UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	14-CR-26 (ARR)
-against-	:	United States Courthouse Brooklyn, New York
VINCENT ASARAO, DEFENDANT.	:	Wednesday, October 28, 2015 9:30 a.m.

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE ALLYNE R. ROSS
UNITED STATES SENIOR DISTRICT COURT JUDGE

A P P E A R A N C E S:

For the Government:	ROBERT L. CAPERS, ESQ. Acting United States Attorney BY: **NICOLE M. ARGENTIERI, ESQ.** **ALICYN L. COOLEY, ESQ.** **LINDSAY K. GERDES, ESQ.** Assistant United States Attorneys
For the Defendant Vincent Asarao:	BY: **ELIZABETH E. MACEDONIO, ESQ.** **DIANE FERRONE, ESQ.**

Courtroom Deputy: **Dennis LaSalle**

Court Reporter: **Mary Agnes Drury, RPR**
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Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

(In open court.)

(Outside of the presence of the jury.)

(Time Noted: 9:30 a.m.)

(Defendant present in open court.)

COURTROOM DEPUTY: All rise, the United States District Court for the Eastern District of New York is now in session, the Honorable Allyne R. Ross is now presiding.

(Honorable Allyne R. Ross takes the bench.)

COURTROOM DEPUTY: Calling Criminal Cause for Jury Trial in Docket No. 14-CR-26, *United States of America against Vincent Asarao*.

THE COURT: Be seated. Sit down.

MS. COOLEY: May we approach for a minute?

THE COURT: Yes.

(Sidebar conference.)

(Continued on the next page.)

1 MS. MACEDONIO: Obviously, the trial is moving
2 very, very quickly, and we continue to get waves of 3500
3 material. We're prepared to go forward today. They are
4 going to call Peter Zuccaro. Cross is fully prepared. Then
5 they are going to call some surveillance witnesses. I'm
6 very concerned about tomorrow.
7 THE COURT: Okay.
8 MS. MACEDONIO: And being able to go forward
9 particularly with a cooperator who may testify at the end of
10 the day, Guy Gralto. We're continuing to get 3500 material
11 for this person. If we get to him and if he testifies, I'm
12 going to be asking for a continuance so that we can prepare.
13 We're just not ready, Judge.
14 THE COURT: Okay. Can you put him on a different
15 day? Can you put him on Friday instead of Thursday?
16 MS. ARGENTIERI: We can't really -- I wanted to
17 sort of be mostly done with our case this week. And the one
18 cooperator we have for Friday can't come Thursday. Like, he
19 just can't. It's physically impossible for him to travel.
20 He could go on possibly Monday, but right now the schedule
21 is for him tomorrow.
22 I will say that the new 3500 we produced we just
23 received. We found out about it very late, late last night
24 that there was an additional transcript that someone in our
25 office found, and we turned it over because we have it now.

1 But it's not something that's earth shattering that should
2 really move the ball.
3 THE COURT: You know what, why don't we see what
4 happens, see how prepared you get.
5 MS. MACEDONIO: Okay.
6 THE COURT: See what he says.
7 MS. MACEDONIO: Okay.
8 THE COURT: If you need to break his testimony and
9 cross him later, we'll do that. Is that all right?
10 MS. MACEDONIO: Great.
11 MS. ARGENTIERI: Well, you mean that he would
12 testify on direct and then --
13 THE COURT: I'm assuming there's a good chance
14 this won't be necessary.
15 MS. MACEDONIO: I'm not sure of that, Judge. We
16 did receive 3500 material recently that was a transcript.
17 But the Guy Gralto 3500 material isn't something that we
18 received very far in advance. So while we're trying to keep
19 up with the pace, this is material that we were handed this
20 morning. This doesn't relate to the cooperator. But this
21 is just an idea of what we're getting.
22 THE COURT: You're getting a lot of material, I
23 understand.
24 MS. MACEDONIO: We're getting a lot of material.
25 It's a deluge of stuff. We're trying to keep up with the

1 pace.
2 THE COURT: You're trying to warn me so I'm trying
3 to figure out the best way to deal with it. Go ahead.
4 MS. ARGENTIERI: This is completely misleading.
5 This is a phone report that was previously produced. I'm
6 admitting to things. This is a one-page 302 for a witness
7 that's going to testify about seizing a phone. This is the
8 cart examiner who examined the phones.
9 THE COURT: This may not be the best example.
10 MS. ARGENTIERI: It's not.
11 THE COURT: But Ms. Macedonio does not say she has
12 a problem unless she has a problem.
13 MS. ARGENTIERI: Okay.
14 THE COURT: Nobody's blaming you, okay?
15 MS. ARGENTIERI: Okay.
16 THE COURT: So I'm trying to figure out how best
17 we can use our time and give her an opportunity.
18 MS. ARGENTIERI: I mean, we could have Mr. Gralto
19 come and testify on Monday, but we may finish early one day
20 this week because we have other witnesses that need to go
21 Monday and Tuesday next week. If it would be okay with the
22 Court that we end a little early one day, meaning tomorrow,
23 then I'm okay. But I can't backfill 17 people tomorrow. I
24 just know that I can't.
25 THE COURT: No, I understand. How much -- are we

1 going to lose like a half a day?
2 MS. ARGENTIERI: Yes.
3 THE COURT: Half a day. So if we took Gralto out,
4 there is nobody who can be moved into that spot? Everybody
5 next week is a cooperator?
6 MS. ARGENTIERI: No. Everybody next week are
7 different law enforcement witnesses. Some of them are just
8 not ready to go. Some of them are traveling. It's just not
9 possible for us to do that.
10 THE COURT: Well, what if we dealt with this
11 Friday? Would that make it possible, more possible to fill
12 in if there were a problem?
13 MS. ARGENTIERI: I'm sorry, Judge. I didn't
14 follow that.
15 THE COURT: Was Gralto going to go on Friday or
16 Thursday?
17 MS. ARGENTIERI: He is going on Thursday. There
18 is another cooperator who will take a significant part of
19 Friday. I can't move it to Thursday. He's traveling from
20 far away.
21 THE COURT: Okay, okay. I'm not disbelieving you.
22 MS. ARGENTIERI: Okay. Sorry.
23 MS. MACEDONIO: Logistically it's a problem, too.
24 THE COURT: Well, I understand that. Everybody's
25 been as cooperative as they can possibly be and I appreciate

that.

MS. MACEDONIO: We are way ahead of schedule.

THE COURT: I know we are. I know, I know. I still feel some pressure for lots of reasons that have nothing to do with you.

MS. ARGENTIERI: Is there any way we can could do Ruggiano and Gralto and just take a day off next week just to get it done?

MS. MACEDONIO: That's the problem. We're saying we're not prepared to just do them and take off.

MS. ARGENTIERI: Okay.

THE COURT: She says she can't do Gralto unless you put him on direct. Can you put him on direct last thing on Friday and let her cross the first thing on Monday?

MS. ARGENTIERI: I really don't want to do that. For strategic reasons I think it's not fair --

THE COURT: It's disastrous to the government?

MS. ARGENTIERI: It's not right. What I can do is put him on on Thursday and they can cross him on Friday.

MS. MACEDONIO: That would fill time, right?

MS. ARGENTIERI: We could put him on direct on Thursday.

THE COURT: Put him on late Thursday and cross him on Friday morning.

MS. ARGENTIERI: Hold on one second.

1 (Brief pause.)
2 MS. MACEDONIO: They are reneging on their deal.
3 THE COURT: It was such a good idea.
4 MS. ARGENTIERI: Ms. Cooley is telling me, and I
5 shouldn't really speak for her or the witness, that the
6 witness has a very difficult work situation. And it has
7 been very difficult in perhaps just working out scheduling
8 him. She doesn't think we can bring him back over two days.
9 We have to talk to his lawyer first.
10 THE COURT: Will you try. I will talk to his
11 lawyer or you can --
12 MS. MACEDONIO: You can send a letter to his boss.
13 THE COURT: That I have directed that it happen.
14 Does he really want to fly in the face of my directive?
15 MS. ARGENTIERI: I think once you meet him you'll
16 have a whole new perspective on that. Although, I will tell
17 you that we have invoked you before.
18 THE COURT: I'm just giving you leave. I'm not
19 insisting.
20 MS. COOLEY: We will talk to his lawyer today and
21 do whatever we can.
22 THE COURT: That's fine. Because actually that
23 could resolve it and then we could just keep going.
24 MS. ARGENTIERI: We would do Ruggiano Friday.
25 MS. MACEDONIO: Okay.

(Brief pause.)

THE COURT: I understand that our sidebar about the juror that we excused that she had been arrested made it into the papers. I'm just not going to worry about it. I don't think it affects this case in any way. Just embarrassing for the juror and I feel badly.

MS. ARGENTIERI: Okay.

(End sidebar conference.)

(Continued on the next page.)

1 THE COURT: Excuse me. Can we bring the witness
2 out before the jury?
3 MS. ARGENTIERI: Yes, Judge.
4 (Jurors enter the courtroom.)
5 THE COURT: Please be seated.
6 MS. ARGENTIERI: The government calls Peter
7 Zuccaro.
8
9 **PETER ZUCCARO**,
10 called as a witness, having been duly
11 sworn, was examined and testified as follows:
12
13 THE COURTROOM DEPUTY: Please state and spell your
14 name for the record.
15 THE WITNESS: Peter Zuccaro; P-e-t-e-r
16 Z-u-c-c-a-r-o.
17 THE COURTROOM DEPUTY: Thank you.
18 MS. ARGENTIERI: May I?
19 THE COURT: Yes.
20 DIRECT EXAMINATION
21 BY MS. ARGENTIERI:
22 Q Good morning.
23 A Good morning.
24 Q How old are you?
25 A 60.

Q Have you been associated with organized crime in your life?
A Yes.
Q What families?
A The Bonanno family and the Gambino family.
Q When were you associated with the Bonanno family?
A Sometime around 1976.
Q Through when?
A Through 1986.
THE COURTROOM DEPUTY: Excuse me.
(Brief pause.)
THE COURT: Go right ahead.
BY MS. ARGENTIERI:
Q You said 1976 through 1986?
A Yes.
Q What was your relationship with the Bonanno crime family?
A I was an associate.
Q Around who?
A Cheech Bonomo.
Q Did he have any nicknames?
A Mr. Frank.
Q You said you were also associated with the Gambino crime family. What time period?
A From 1986 until I started cooperating.

1 Q What year was that?
2 A I started cooperating sometime in 2003 or 2004.
3 Q What was your relationship when you were around the
4 Gambino crime family?
5 A I was an associate.
6 Q Around who?
7 A John Carneglia.
8 Q And later someone else?
9 A Charles Carneglia.
10 Q And later someone else?
11 A Iggy Alonga.
12 Q Sir, can you look around the courtroom and see if you
13 see anyone else who was associated with organized crime.
14 A Yes.
15 Q Who?
16 A The defendant.
17 Q What's his name?
18 A Vincent Asaro.
19 Q Can you identify the defendant by an article of
20 clothing.
21 A Yes. He's wearing glasses and a gray sweater.
22 THE COURT: Indicating the defendant.
23 BY MS. ARGENTIERI:
24 Q How long have you known the defendant?
25 A Practically my whole life.

1 Q What was the highest position in organized crime you
2 knew him to hold?
3 A Captain.
4 Q Where were you born?
5 A Brooklyn, New York.
6 Q Where did you grow up, what neighborhood?
7 A East New York.
8 Q What did your parents do for a living?
9 A My mother worked for the Hong Kong Shanghai Bank, and
10 my father was a truck driver.
11 Q Was your father associated with organized crime?
12 A No.
13 Q How did you first learn about organized crime?
14 A My grandfather's club.
15 Q Who was your grandfather?
16 A Joe Zuccaro.
17 Q Was he associated with organized crime?
18 A Yes.
19 Q What family?
20 A Bonanno.
21 Q When you said your grandfather's club, what club?
22 A He had a couple of clubs in the neighborhood where
23 people used to come gamble. Organized crime people would
24 come there, sit down, talk, discuss things.
25 Q What neighborhood?

A East New York.
Q How old were you when you were going to your grandfather's club?
A 12, 13, 14.
Q What did you do there?
A Just hung around, run errands.
Q You said you saw people associated with organized crime there?
A Yes.
Q Did you look up to them?
A Yes.
Q Why?
A It was the thing to do. I mean --
Q What did you want?
A I wanted to be a made member of organized crime.
Q From a young age?
A Yes.
Q Showing the witness what's in evidence as Government Exhibit 7.
THE COURTROOM DEPUTY: Hold on a second.
BY MS. ARGENTIERI:
Q You see that, sir?
A Yes.
Q Who is that?
A Vincent Asaro.

Q Now, in the '60s and '70s, where did Vincent Asaro live?
A Tutor Village, Ozone Park.
Q Around where, which streets?
A 83rd Street, off Pitkin and Sutter.
Q Government Exhibit 93 A, who is that?
A That's Gasper Valenti.
Q Who is he?
A Vincent's cousin.
Q Did you know him in the '60s and '70s?
A Yes.
Q And where did he live?
A He lived down the hole.
Q What is down the hole?
A Down the hole was a predominantly Italian neighborhood below sea level in the borderline of Queens and Brooklyn.
Q And where did -- you said Mr. Valenti lived down the hole?
A Yes.
Q Did you go down the hole in the '60s and he 70s?
A All the time.
Q Can you describe what it looked like.
A It looked like a meteor hit something.
Q Can you explain a little further.
A It was a hole. It was a hole below sea level in our

1 neighborhood.
2 Q And did people live there? Were there houses?
3 A Yes.
4 Q And when you went there, who else lived there?
5 A The Aseltas, Taglironos (phonetic), Visqueras
6 (phonetic). Iggy Alonga lived down there. A lot of people
7 from the neighborhood lived down in the hole.
8 Q You said the Aseltas. Who were the Aseltas?
9 A Joe and Jimmy Aselta. The father, Jimmy Aselta. They
10 were in the trucking business.
11 Q And they lived down the hole?
12 A Yes.
13 Q How far did you go in school?
14 A High school.
15 Q Where did you go to school?
16 A I went to school St. Fortunata grammar school and later
17 on to East New York Vocational Technical High School.
18 Q You said you went to St. Fortunata?
19 A Yes.
20 Q What kind of school was that?
21 A Catholic school in the neighborhood.
22 Q Did you go to school with anyone in the Asaro family?
23 A Yes.
24 Q Who?
25 A Jerry, Noreen and Dawn.

1 Q What's the age difference between you and Jerry?
2 A Two years. He's two years younger than me.
3 Q Showing the witness Government Exhibit 6.
4 Who is that?
5 A Jerry Asaro.
6 Q What was his status in organized crime prior to you
7 cooperating?
8 A He was a made member. Later on to become a captain.
9 Q You said it was the defendant's son?
10 A Yes.
11 Q When did you first start committing crimes, at what
12 age?
13 A At a very young age.
14 Q What kinds of crimes were you committing?
15 A I was stealing cars, chopping cars. A lot of car
16 thefts. Robberies, drugs.
17 Q Who were you committing crimes with?
18 A All my friends in the neighborhood.
19 Q Like who?
20 A Frankie Burke, Andrew Curro, Jerry Curro, my brothers,
21 Bobby and Steven.
22 Q Showing you 28-A in evidence. Who is that?
23 A Andrew Curro.
24 Q 28-B in evidence, who is that?
25 A Andrew Curro.

1 Q Same person?
2 A Yes.
3 Q Government Exhibit 12 in evidence, who is that?
4 A Frankie Burke.
5 Q You committed crimes with him as well?
6 A Yes.
7 Q Were you close?
8 A Yes.
9 Q In the 1970s, how many times were you arrested?
10 A So many times I can't count.
11 Q In the 1970s, how much time did you serve in jail?
12 A None.
13 Q How come?
14 A Good lawyers, plead things down, make deals.
15 Q In the 1970s, what businesses did you have?
16 A Auto body, fender, scrap metal.
17 Q When you say auto body and a fender, what do you mean?
18 A I had a body shop where I used to repair cars.
19 Q Did you also chop cars out of that shop?
20 A Yes.
21 Q What does it mean to chop cars?
22 A Steal a car, bring it in, take it apart, use the parts
23 for a car that got into the accident.
24 Q Is that legal?
25 A No.

1 Q In the '70s, who were other people in the neighborhood
2 who chopped cars?
3 A Everybody in the neighborhood was chopping cars.
4 Q Anyone we've talked about?
5 A Yes.
6 Q Who?
7 A Andrew Curro, Charles Carneglia, John Carneglia. A lot
8 of people in the neighborhood were chopping cars.
9 Q Now, in what year, approximately, were you first
10 associated with the Bonanno crime family?
11 A Officially, it was 1976.
12 Q How did that happen?
13 A I had a beef with Johnny Beano and Jo Jo Corozzo.
14 Q What happened?
15 A Beano wind up coming to my shop when I wasn't there.
16 Took some tires and wheels. Made them put them on his car.
17 Didn't pay for them. Left. Didn't know who he was. Found
18 out. Went to him. Told me to meet him at Jo Jo's club. I
19 went to Jo Jo's club and we got into a beef. We got into a
20 big fight me and Beano.
21 Q Now, stop for one second. You said Johnny Beano came
22 and he didn't pay for something?
23 A Yes. Tried to beat me for my money.
24 Q Like, he wasn't going to pay?
25 A Right.

1 Q And then -- when you said Jo Jo's club, what's that?
2 A That's a club in the neighborhood where organized crime
3 figures met, neighborhood people met, social club.
4 Q Okay. Where was that club?
5 A 101st Avenue.
6 Q Who went to the club?
7 A I went there.
8 Q And what happened?
9 A I got into a beef with Beano there.
10 Q With who?
11 A With Johnny Beano.
12 Q What happened?
13 A I had a fight with him. Left. Threatened Jo Jo.
14 Threatened him. Went back to my shop. Ten minutes later
15 they all came from the club, surrounded my shop. Went
16 outside. Had a car beam. Beat Beano up again. And that
17 was the end of it that day.
18 Q So you beat up Johnny Beano twice?
19 A Yes.
20 Q And you threatened Jo Jo Corozzo?
21 A Yes.
22 Q That was the end of it for that day?
23 A For that day.
24 Q What happened next?
25 A Somebody got in touch with me and told me these guys

1 are going to do something really bad to you. Better get
2 somebody to go straighten this out. And that's when Cheech
3 Bonomo stepped in, put me on record with him. We went and
4 straightened the problem out. Got my money. And that was
5 that. Then I was officially on record with the Bonanno
6 crime family.
7 Q And when you said Cheech Bonomo, that's the person you
8 testified about before?
9 A Mr. Frank.
10 Q Mr. Frank. And so he said to you -- you said that he
11 straightened it out for you and after that you were
12 officially on record with him?
13 A Yes.
14 Q So what does it mean to be on record with someone in
15 organized crime?
16 A That you're with them and you're part of their crew.
17 Q And what did they agree to do for you?
18 A They pretty much look out for you. They give you
19 permission to do things. They settle disputes for you if
20 you have any problems.
21 Q Like he did for you?
22 A Yes.
23 Q Because after that Johnny Beano paid you?
24 A Yes.
25 Q And what was Mr. Frank's position in organized crime?

A He was a soldier and then an acting captain.
Q And at that time, what was he?
A At the time that he settled the beef for me, he was acting captain.
Q What, if anything, did he say to you about who he went to meet to straighten it out?
A He went and met with Tony Lee and straightened it out with him.
Q And who was Tony Lee in organized crime?
A He was a captain in the Gambino family.
Q Did he have any other relatives in organized crime?
A Who is this?
Q Tony Lee.
A Yes. His brother Mikey.
Q And what was Mikey Gal?
A He was an associate and became a made member.
Q And what was your understanding about why Mr. Frank had to meet with Tony Lee to settle it?
A He had to meet with a made guy. Jo Jo wasn't straightened out at the time. Johnny Beano wasn't straightened out either.
Q I'm going to show you some photos, sir.
Government Exhibit 47 in evidence, who is that?
A Tony Lee.

1 Q What was the highest rank you knew him to have in
2 organized crime?
3 A Captain.
4 Q Government Exhibit 48 in evidence, who is that?
5 A Mikey Gal, Tony's brother.
6 Q What was the highest position in organized crime you
7 knew him to have?
8 A Soldier.
9 Q Government Exhibit 26 in evidence, who is that?
10 A Jo Jo Corozzo.
11 Q What was the highest position you knew him to have in
12 organized crime?
13 A Consigliere.
14 Q At the time you said this happened, he was an
15 associate?
16 A Yes.
17 Q He later was an inducted member?
18 A Yes.
19 Q Government Exhibit 85, who is that?
20 A Johnny Beano.
21 Q That's the person you had a dispute with?
22 A Yes.
23 Q At the time an associate?
24 A Yes.
25 Q Government Exhibit 9, who is that?

1 A That's Mr. Frank, Cheech, Bonomo.
2 Q That's the person you testified you were on record
3 with?
4 A Yes.
5 Q What is La Cosa Nostra?
6 A It means this thing of ours. It's a close knit group
7 of Italians that run criminal activity in the United States
8 of America.
9 Q Now, you said -- how many families are there?
10 A In New York, there's five.
11 Q And what are they?
12 A The Bonanno, Gambino, Genovese, Lucchese and Colombo.
13 Q And is there another way that the Genovese family is
14 sometimes referred to?
15 A The West Side.
16 Q Now, you said you were on record with Mr. Frank. Are
17 there other ways to say that?
18 A I'm with him.
19 Q As an associate around a crime family, what are your
20 obligations to the crime family?
21 A Loyalty, never, ever speak to law enforcement, respect,
22 respect each other's wives and children and families.
23 Loyalty is a number one. And the family comes first before
24 your own family.
25 Q You said loyalty, never, ever speak to law enforcement?

1 A Yes.
2 Q What's the penalty for that?
3 A Death.
4 Q Now, you said Mr. Frank was an inducted member. What
5 are other ways that's referred to in organized crime?
6 A Made guy, wise guy.
7 Q As a soldier around Mr. Frank, what did he do for you?
8 I'm sorry, as an associate around Mr. Frank, what did he do
9 for you?
10 A Basically, kept me safe. Let me do whatever I liked.
11 Q All right. When you --
12 A Crimes.
13 Q When you say kept you safe, what do you mean?
14 A He'd intercede if I had any problems with any other
15 members of any families. If there was a problem over money
16 dispute, he would settle it.
17 Q He would sit down for you?
18 A Yes.
19 Q In organized crime, who do soldiers report to?
20 A Captain.
21 Q And who do captains report to?
22 A Underboss.
23 Q And who else runs the crime family?
24 A The boss.
25 Q Does anyone help him?

1 A Yes. The underboss and the consigliere.
2 Q And what is their role collectively in the crime
3 family?
4 A Well, the boss dictates the orders down to the
5 underboss who gives the order to the captains. The captains
6 take care of what they gotta take care through their members
7 and associates.
8 Q Okay. And so orders flow down?
9 A Yes.
10 Q What flows up?
11 A Money.
12 Q What is that called in organized crime?
13 A The money flowing up? Kicking in.
14 Q Kicking in. You said that -- now, who are captains
15 responsible for in organized crime?
16 A The made members that are under them, soldiers.
17 Q What are the soldiers that are under them called?
18 A Made members.
19 Q Okay. Now, you said -- you talked about sitdowns.
20 What is a sitdown?
21 A A sitdown is where you go and settle a dispute that you
22 have with any other either a member in your family, an
23 associate in your family, or associates and members in other
24 families.
25 Q Is an associate a member of organized crime?

1 A No.
2 Q As an associate, did you hope to become an inducted
3 member?
4 A At that time, yes.
5 Q To become an inducted member of organized crime, what
6 are the requirements?
7 A Like I said before, loyalty, the family comes first.
8 Gotta be a good earner. And a killer.
9 Q What do you mean by a killer?
10 A You gotta be ready to get down and kill for the family.
11 Q What's an earner?
12 A Somebody that brings in money.
13 Q Were you both?
14 A Yes.
15 Q Now, can just anyone be straightened out? Are there
16 additional requirements?
17 A You gotta be Italian.
18 Q Anything else?
19 A You gotta be very loyal and very respectful.
20 Q Can a woman be straightened out?
21 A No.
22 Q What's the most serious crime you committed for the
23 Bonanno family?
24 A Murder.
25 Q Who was the first person that you helped -- that you

1 murdered?
2 A Setimo Flavia.
3 Q How did you get involved in that? What happened?
4 A I was called to Cafe Del Viale, and I was sat down and
5 I was told what do you think about this. And they ran a
6 scenario by me. And when they got done running the scenario
7 by me, I said he deserves to die.
8 Q What happened with Setimo Fava? What had he done?
9 A He called the old man Frank aguda gnudo contendre
10 (phonetic).
11 Q Can you attempt to spell that for the court reporter.
12 A Attempt to spell it?
13 Q For the court reporter.
14 A Aguda gnudo contendre (phonetic.)
15 Q Your guess is as good as mine. What does that mean?
16 A That means you're pretty much content with your wife
17 running around with the milkman, the mailman, the truck
18 driver, whatever, you know. It's your wife and she's
19 fooling around behind your back, but you know and you're
20 content with it.
21 Q Is that an insult?
22 A It's probably one of the worst insults you can call an
23 Italian -- an Italian man anyway.
24 Q And who told you that Setimo Flavia had insulted
25 Mr. Frank that way?

1 A Mr. Frank told me.
2 Q Was he upset?
3 A Very.
4 Q And when he told you about it, what was your
5 understanding of what he was asking you to do?
6 A He wanted him killed.
7 Q Did you agree?
8 A Yes.
9 Q Did you plan that murder?
10 A Yes.
11 Q And what did you do to plan it?
12 A I clocked him, watched everything he did. Watched what
13 time he came home. Watched what time he left his house.
14 Stole the car and set it up for when he came home to kill
15 him in front of his house.
16 Q And who killed him?
17 A Frank Boccia shot him with a shotgun.
18 Q What's Frank Boccia's nickname?
19 A Geeky.
20 Q And where were you when he was killed?
21 A Across the Street in a car.
22 Q And you had planned the whole thing?
23 A Yes.
24 Q And was he killed?
25 A Yes.

1 Q Now, prior to you coming in and telling the government
2 about that, were you charged with it?
3 A Never.
4 Q Is that a crime you told the government about as part
5 of your cooperation?
6 A Yes.
7 Q Now, in the 1970s, you testified that you were an
8 associate around the Bonanno crime family, correct?
9 A Yes.
10 Q Were there times when you committed crimes with members
11 and associates from other crime families?
12 A Yes.
13 Q And that you coordinated those crimes?
14 A Yes.
15 Q Directing your attention to the late '70s, were you
16 involved in the beating of Carmine Agnello?
17 A Yes.
18 Q Can you tell the jury what happened.
19 A Carmine beat up John's daughter, Vicky. They were
20 dating. I was called to John's club.
21 Q Stop for one second. You said Carmine beat up John's
22 daughter, Vicky. John who?
23 A John Gotti.
24 Q Please continue.
25 A They beat Vicky up, manhandled her. I was called to

1 the club. When I got to the club, I was told to beat
2 Carmine down real good. Put him in the hospital but don't
3 kill him.
4 Q With who else?
5 A Johnny Canning, Charles Canning, Skinny Sammy and
6 Andrew Curro.
7 Q Were those all associates of a different crime family?
8 A Yes.
9 Q What crime family?
10 A Gambino.
11 Q What did you and those other individuals do?
12 A Beat Carmine down and shot him.
13 Q Did he die?
14 A No.
15 Q Government Exhibit 1, who is that?
16 A Carmine Agnello.
17 Q That's the person that you beat and shot?
18 A Yes.
19 Q Now, you also testified you committed other crimes.
20 What categories of other crimes were you committing with
21 other crime families in the '70s?
22 A Hijacking, drug dealing, robberies.
23 Q And what was your understanding of why it was
24 beneficial to coordinate activities with associates of other
25 crime families?

A To have good relationships and to develop a network of money. To have other associates in other crime families.
Q People you could go to for help?
A Yes.
Q I'm going to show you two photos.
MS. ARGENTIERI: Judge, I think I need to offer Government Exhibit 85.
THE COURT: Any objection?
MS. ARGENTIERI: I showed him the photo and I think it was published, but technically we hadn't offered it.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government Exhibit 85 received in evidence.)
BY MS. ARGENTIERI:
Q Government Exhibit 21-A, who is that?
A Charles Carneglia.
Q 21-B, who is that?
A Charles Carneglia.
Q Same person?
A Yes.
Q Government Exhibit 22, who is that?
A Johnny Carneglia.
Q Now, did you commit crimes with them over your life?
A Yes.

1 Q You said you also testified that you committed crimes
2 with Andrew Curro. Who was Andrew Curro around?
3 A John Carneglia.
4 Q And what crimes did you commit with Andrew Curro?
5 A Truck hijackings, robberies, beatings, drug dealing.
6 Q Did you put all the crimes that you committed on record
7 with Mr. Frank?
8 A No.
9 Q Why not?
10 A Didn't have time. Committed too many crimes. That and
11 I didn't see him on a day-to-day basis to report to him what
12 I was doing.
13 Q Did you tell him about it afterwards?
14 A Not all the time.
15 Q Why not?
16 A I didn't think that it was necessary for him to know
17 exactly what I was doing.
18 Q How come?
19 A Well, I mean, he might have put the brakes on things.
20 Might have wanted money. Different reasonings.
21 Q Did you always kick up to him to the crimes you
22 committed?
23 A No.
24 Q Why not?
25 A Because I was committing the crimes.

1 Q Okay.
2 A You know, I was going to go to jail, not him.
3 Q What crimes were you committing for Mr. Frank? What
4 crime did you commit for Mr. Frank?
5 A Murder.
6 Q Is it fair to say you were his muscle?
7 A Yes.
8 Q Now, even though you didn't put all of your crimes on
9 record with Mr. Frank, were you still under the protection
10 of the Bonanno crime family?
11 A Yes.
12 Q In the 1970s, did the defendant's status in organized
13 crime change?
14 A Yes.
15 Q Do you know approximately when?
16 A Maybe around '73, '74.
17 Q How did you find out?
18 A I was in the little cricket and people told me that
19 they straightened Vinny out. Then Tony Moscatello played a
20 song, wise guy in the cricket.
21 Q Was the defendant there at that time?
22 A Yes.
23 Q What did you see, if anything?
24 A I seen a lot of women and guys standing around. And
25 that's supposed to be like a hush up; nobody's supposed to

1 know that you are an inducted member. But the whole
2 neighborhood knew.
3 Q Showing Mr. Zuccaro Government Exhibit 5-A. Who is
4 that?
5 A Frank Vagenti (phonetic)?
6 Q I'll withdraw it. 5-B?
7 A Vinny Asaro? Who is that?
8 Q That's a question for another day. Showing
9 you -- okay.
10 Did you also -- how often did you see
11 the defendant in the 1970s?
12 A A lot.
13 Q Where did you see him?
14 A In the neighborhood.
15 Q And when you saw the defendant, who was with him?
16 A Usually Gasper.
17 Q Who was Gasper?
18 A His cousin, Gasper Valenti.
19 Q Did you see him with other individuals as well?
20 A Yes.
21 Q Who?
22 A Sal Pugliesi, Dom Cataldo, Big Funzi, Junior.
23 Q Who was Junior?
24 A Junior was a guy in the car business. Cut cars a lot.
25 Stole cars.

1 Q The other people you listed, Dom Cataldo, who was he?
2 A He was an associate of the Colombo family. Later on
3 become a made member.
4 Q And you said Sal Pugliesi. Who is he?
5 A Sal Pugliesi was a guy around Dom, an associate around
6 Dom, who was a thief and drug dealer.
7 Q And did you commit crimes with him?
8 A Yes.
9 Q What crime did you commit with him?
10 A We used to do a lot of robberies, jewelry robberies.
11 We did a lot of robberies together.
12 Q Did you ever commit a robbery with Sal Pugliesi of a
13 watch guy?
14 A Yes. Watch store.
15 Q Where was that robbery?
16 A Long Island.
17 Q And after that robbery, did you and Sal Pugliesi give
18 it to someone else?
19 A Yes.
20 Q Well, who gave it to someone else?
21 A Sal.
22 Q Who did he give it to?
23 A He gave it to Vinny and Gasper.
24 Q Referring to the defendant and Gasper?
25 A Yes.

1 Q Did you ever go to any of the defendant's social clubs?
2 A I went to his fence place. That was a club that he had
3 across the Street from Dom's restaurant on Rockaway
4 Boulevard.
5 Q So you went to the club next to the fence company?
6 A Yes.
7 Q You said it was across from a restaurant that Dom had.
8 A At the time.
9 Q And who is Dom that you're referring to?
10 A Dom Cataldo.
11 Q How did you first meet Frankie Burke?
12 A I met him at the Bow Wow on Crossway Boulevard in
13 Howard Beach.
14 Q What decade?
15 A Early '70s.
16 Q And who is Frankie Burke?
17 A Jimmy Burke's son.
18 Q Who is Jimmy Burke?
19 A Jimmy Burke was an associate of the Lucchese crime
20 family under Paul Vario.
21 Q Did you know him?
22 A Yes.
23 Q How many times do you think you met him?
24 A I met him five or six different times.
25 Q Did you know any of the other Burkes?

1 A The whole family.
2 Q Who was the whole family?
3 A The wife, Mickey; the daughter, Catherine; daughter
4 Robin and the son, Jessie.
5 Q Now, directing your attention to the '70s, did you ever
6 become aware of a situation involving Cathy Burke and Tony
7 Giordano?
8 A Yes.
9 Q What happened?
10 A Yes. Tony was my partner at the time, and he was
11 dating Cathy. They were driving in a car on Crossbay
12 Boulevard. Tommy DeSimone pulled up on him and asked what
13 he was doing with her and shot the car up.
14 Q Who was he shooting at?
15 A He was trying to shoot Tony.
16 Q And who was Tommy DeSimone?
17 A Tommy DeSimone was an associate of the Lucchese crime
18 family under Paul Vario and Jimmy Burke's partner.
19 Q What was your understanding of why Tommy was upset?
20 A It was Jimmy's daughter, and he didn't want anybody
21 near her.
22 Q And how did you learn about what happened?
23 A Tony came to me and told me.
24 Q Tony, who was in the car with Cathy?
25 A Yes.

1 Q What crimes did you commit with Frankie Burke?
2 A Robberies, drug dealing, car theft, chopping cars.
3 Q Assault?
4 A Beatings.
5 Q For how long were you close to Frankie Burke?
6 A I was close to him till he got killed.
7 Q Now, did you have discussions with Frankie Burke about
8 the Lufthansa robbery?
9 A Yes.
10 Q When in relation to the robbery was it?
11 A Right after.
12 Q What did he tell you about what he did?
13 A He stole the van. He drove the van and went and did
14 the robbery.
15 Q What did he tell you about what -- who was with him?
16 A Told me Gasper Valenti was there in Vinny's capacity.
17 Tommy DeSimone, Joe Buddha.
18 Q What did he tell you about why Gasper was there?
19 A Gasper was there representing Vinny.
20 Q Then did he tell you about the money?
21 A Yeah. There was a problem, a dispute over the money,
22 and Gasper didn't get his end. And Frankie said that Vinny
23 kept it and beat him for it.
24 Q And what did he say about who Vinny was trying to
25 blame?

A He was trying to blame Jimmy Burke.
Q Now, you said you talked to him -- talked to Frankie Burke right after the robbery. What did he say?
A That he's off for the rest of his life. He don't need nothing. He don't have to get into any kind of situations anymore. But he still did every day. He pretty much led me to believe that he was set for life.
Q Meaning what?
A That he had tons of money.
Q Now, did you ever observe the defendant with Gasper?
A Yes.
Q What was their relationship?
A Cousins.
Q How did they treat each other?
A It was a one-way Street. Vinny abused Gasper and that was it.
Q What do you mean?
A Well, he abused him really bad.
Q Who abused who?
A Vinny abused Gasper.
Q Are you aware of any involvement the defendant had in loan sharking?
A Yes.
Q What is loan sharking?
A It's lending money out at huge interest rates.

Q Do you know anyone who borrowed money from the defendant?
A Several people in the neighborhood borrowed money from him. Sal Pugliesi borrowed money from him on a couple of occasions.
Q Did you ever borrow money from him?
A No.
Q Do you know anyone who ever collected for him?
A Yes.
Q Who?
A His nephew Bobby.
Q What's his nephew Bobby's full name?
A Bobby Giallanzo.
Q How did you know Bobby Giallanzo collected for the defendant?
A He was my partner.
Q In what?
A Safeway Auto Collision.
Q And approximately, when were you his partner in Safeway Auto Collision?
A Oh, from about 1976 till about 1979.
Q Showing you Government Exhibit 42, who is that?
A Bobby Giallanzo.
Q And what did he tell you about the collection that he did for the defendant?

A That people were dropping money off at the shop. If he's gotta leave, just tell him to wait here.
Q Did he complain to you about it?
A Yeah.
Q What did he say?
A He don't get anything.
Q What did you understand him to mean?
A He don't get an end of the money.
Q Now, Safeway Auto Collision, where was that located?
A On -- Ozone Park right across off Crossbay Boulevard and Pitkin Avenue.
Q And that wasn't the first auto body place you had, right?
A No.
Q You said -- what was the one you had before that?
A Baypark Motors.
Q And where was Baypark Motors that?
A On Berriman Street in East New York.
Q And what, if anything, was around where Baypark Motors was?
A What was around it?
Q Did anyone live around there associated with organized crime?
A All wise guys. Ciro Perrone.
Q So you said you opened up Safeway Collision with Bobby

1 and who was Bobby around at that time?
2 A His Uncle Vinny.
3 Q And who were you around?
4 A Mr. Frank.
5 Q Does Bobby have a brother?
6 A Yes.
7 Q What's his name?
8 A Ronnie and Richie.
9 Q He has two brothers?
10 A Yes.
11 Q Did you ever meet Ronnie?
12 A Yes.
13 Q What was his status in organized crime?
14 Q He was a made member?
15 Q What was the highest position you knew him to hold?
16 A I knew him to hold?
17 Q Yeah. When you were on the Street, he was a made
18 member?
19 A Yes.
20 Q Showing you Government Exhibit 43, who is that?
21 A Ronnie Giallanzo.
22 Q How did you end up opening the shop with Bobby?
23 A Bobby came to me because of my influence in the car
24 business and the chop shops.
25 Q And what did he ask you?

1 A He said you can get the parts, I can get the cars to
2 fix. He needed some money so I put some money up. And we
3 started rocking and rolling.
4 Q And how were you getting business?
5 A Just show up at the accident scene and take the car and
6 bring it back to the shop.
7 Q Were you having arguments with other companies?
8 A Yes.
9 Q Which ones?
10 A Three Kings, Casillo (phonetic). Whoever was in the
11 neighborhood.
12 Q Who owned Three Kings?
13 A I don't remember their name. They had a place on
14 Rockaway Boulevard off 84th Street, 88th Street.
15 Q And was that causing a problem your issues with Three
16 Kings?
17 A Yes.
18 Q Why?
19 A Because we were just taking the cars and bullying them
20 out of them and they were around Vinny.
21 Q And who spoke to you about that?
22 A Bobby, Vinny.
23 Q At that time that you had the Safeway Collision, were
24 you -- first of all, were you committing crimes out of
25 there?

1 A Yes.
2 Q Okay. What crimes?
3 A Auto theft, chopping cars, selling drugs, robberies.
4 Q Did you have like an inside hookup to get car parts?
5 A An inside hookup to get parts?
6 Q Yes.
7 A I had the adjusters.
8 Q Okay.
9 A For the insurance companies and make them write the
10 ticket up.
11 Q And that was a fraud?
12 A Yes.
13 Q So what, if any, animals did you have for protection at
14 your business?
15 A We had attack dogs.
16 Q What do you mean they were attack dogs?
17 A They were trained to attack. We kept them in the
18 business. We had a dog named Champ who was a blue Doberman
19 pinscher. And I had another dog Blackjack.
20 Q Now, did something happen to one of those dogs?
21 A I came into the office one day after doing a robbery.
22 I had a hat and glasses on. And the dog zeroed in on me,
23 jumped over the desk. I guess he didn't recognize me.
24 Started chewing my arm up. Tried to bring me down to the
25 floor. And I shot him in the head.

1 Q And were you -- did the dog hurt you?
2 A Yeah. He mauled my arm. I had no choice.
3 Q Now, after you shot the dog, who else was with you, by
4 the way?
5 A Andrew Curro.
6 Q What did he do?
7 A He came in and shot the dog, too.
8 Q Was the dog already dead at that point?
9 A No. He was dying.
10 Q Now, after that, did you speak about that incident with
11 the defendant?
12 A No. He showed up at my house that night with Jimmy
13 Burke, Tommy DeSimone, Stack Edwards, Frankie Burke and
14 started threatening me.
15 Q What did he say?
16 A That he was going to get me killed because I killed the
17 dog. I couldn't reason with him because he wasn't listening
18 to what happened. He didn't want to listen.
19 Q What was your understanding of why he was so upset?
20 A Because his nephew and the shop part, his nephews. I
21 didn't have permission to do that.
22 Q When you say because of his nephew, are you referring
23 to Bobby?
24 A Yes.
25 Q And at that point in time, had your shop started making

1 more money?
2 A Yes.
3 Q And what, if any, money did Bobby tell you he was
4 giving to Vinny?
5 A He was kicking into him out of his end.
6 Q And what was your understanding of why Vinny was so
7 upset about the dog or about --
8 A He said it was his dog.
9 Q Was that true?
10 A No. I paid for half the dog.
11 Q Now, did the dispute end there?
12 A No.
13 Q What happened?
14 A It went to his captain, it went to Joe Massino.
15 Q Did you go to a meeting?
16 A Yes.
17 Q Who was at the meeting you went to?
18 A Mr. Frank, Joe Massino, Vinny and myself.
19 Q And what was your understanding of what Massino's
20 position in the Bonanno crime family was at that time?
21 A He was an official captain.
22 Q And what was his relationship with Vinny in the crime
23 family?
24 A Vinny was with Joe.
25 Q Was Vinny straightened out at the time?

A Yes.
Q So he was a soldier with Joe?
A Yes.
Q So what happened at the meeting?
A Joe asked me what happened. I explained it to him. And Vinny interceded and said, Joe, I'm your brother. Who do you believe? And Joe said, I believe you, VINNY, but this kid is no liar.
Q When Joe said this kid is no liar, who was he referring to?
A Me.
Q And what was the resolution at that meeting?
A It was to end right there.
Q What was your understanding of what Vinny was asking for?
A Well, he was trying to get some harm done to me.
Q Now, after that, did your business relationship with Bobby end?
A Yes.
Q Did you leave that shop?
A Yes.
Q And was Bobby still around the defendant?
A Yes.
Q Did you have other beefs with the defendant prior to your arrest in the '80s?

A 1981? Yeah. We didn't see eye to eye.
Q Was there a time you were called down to the Bergin Hunt and Fish Club?
A Yes.
Q What happened?
A John called me down there. I showed up and I went in the club --
Q Stop for one second. Who is John?
A John Gotti.
Q Please continue.
A Called me down to the club. I showed up at the club. Went in. And John went off on me, started flipping out, calling me a drug addict, a junkie, a heroin addict, this. Just went on on me. And I couldn't believe it. I was like, what are you talking about? I'm not a heroin addict. I don't use heroin.

He made my roll up my sleeves. I rolled up my sleeves, showed him my arms. And then I got mad. I said, well, whoever is accusing me of this, let's go get blood tests and see who the junkie is. Angelo pushed me out the door because I was starting to yell and scream and John was getting really hot. And it was ended.
Q And when you say Angelo pushed you out the door, Angelo who?
A Ruggiero.

Q What's his nickname?
A "Quack Quack."
Q Around that time, were you around the Gambino family?
A No.
Q Who were you around?
A Mr. Frank.
Q When you stepped outside with Angelo, what did he tell you about who said that about you?
A He told me Vinny said that about me and to stay away from this guy --
MS. MACEDONIO: Objection.
THE COURT: Excuse me one second.
MS. MACEDONIO: Sidebar?
THE COURT: Yes.
(Sidebar conference.)
(Continued on the next page.)

MS. MACEDONIO: Where are we going with this?

MS. ARGENTIERI: I, frankly, thought you would want to bring it out. He had serious argument was Vinny which shows he doesn't like him.

MS. MACEDONIO: It just seems to me there's a lot of hearsay coming, and I don't necessarily know these coconspirator statements.

MS. ARGENTIERI: Which part of it was hearsay?

MS. MACEDONIO: Who was telling who and what this about this.

MS. ARGENTIERI: When Angelo said that Vinny said about him that these are coconspirators statements because he is being advised about -- it's not really even offered for the truth that Vinny said it. He is being advised about a dispute in the family that's relevant to his position. He's warning him away from him. He is we're going to do business.

THE COURT: I can't hear you.

MS. MACEDONIO: How many other disputes?

MS. ARGENTIERI: I think it's this one. Do you want to come with me and I can tell you?

MS. MACEDONIO: No. I want to stand next to the judge.

MS. ARGENTIERI: I'm happy to walk back and forth. It's a testament to my exhaustion that I suggested that.

1 MS. MACEDONIO: We're not going there, though?
2 We're in the '80s. We're not --
3 MS. ARGENTIERI: No, no.
4 THE COURT: You okay?
5 MS. MACEDONIO: Yes. I just want to get a handle.
6 THE COURT: Okay. Talk.
7 (End sidebar conference.)
8 MS. MACEDONIO: It might be advisable to take a
9 five-minute break, your Honor.
10 THE COURT: Yes. We'll take a five-minute break,
11 ladies and gentlemen.
12 (Jurors exit the courtroom.)
13 (Recess taken.)
14 THE COURT: Are we ready to bring the defendant
15 out?
16 MS. MACEDONIO: Yes.
17 THE COURT: Thank you.
18 (Sidebar conference.)
19 MS. ARGENTIERI: Ms. Cooley has an update about
20 Mr. Gralto.
21 MS. COOLEY: Yes, your Honor. He is going to be
22 here first thing tomorrow morning to testify. We were
23 thinking, I don't know if this is feasible, but if we can at
24 least start cross-examination tomorrow and see if it's a
25 possibility to do it tomorrow. I haven't had a chance to

1 speak to his lawyer. I conveyed your honor's request that
2 he be here tomorrow, and he absolutely will be, but I'm not
3 sure about Friday. We have to work that out still.
4 THE COURT: I can tell him to do that.
5 MS. COOLEY: I did say that your Honor was willing
6 to call. So I need to touch base with him about Friday.
7 But I know that at a minimum we will start first thing with
8 him tomorrow, if it's possible to at least begin
9 cross-examination.
10 MS. MACEDONIO: Okay. I'm a little confused
11 because I thought we said at the beginning of the day that
12 there was a possibility that he was going to testify at the
13 end of the day tomorrow. Now we've advanced him to the
14 first thing tomorrow morning when we're trying to get more
15 time, not less time.
16 MS. COOLEY: Okay. No, I understand. We can keep
17 him here. I think that -- I think we can try to call him
18 whenever during the day is convenient, but he will be here
19 first thing.
20 THE COURT: I think what you'd like is to call him
21 in the afternoon and then cross him on Friday morning; is
22 that right?
23 MS. MACEDONIO: Yes.
24 THE COURT: I don't think that's unreasonable
25 under the circumstances. I don't care what time. I don't

1 know how long he's going to be on direct, but whenever you
2 want to call him, you're welcome to interrupt anybody you
3 want to interrupt on Thursday and we'll have him crossed on
4 Friday.
5 MS. COOLEY: Okay. That sounds good. Thank you,
6 Judge.
7 (End sidebar conference.)
8 (Continued on the next page.)
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1 THE COURT: Ready for the jury?
2 MS. MACEDONIO: Yes, Judge.
3 (Jurors enter the courtroom.)
4 THE COURT: Please be seated.
5 MS. ARGENTIERI: May I proceed, Judge?
6 THE COURT: Yes.
7 BY MS. ARGENTIERI:
8 Q I just want to remind you you're still under oath. Do
9 you understand that?
10 A Yes.
11 Q When we broke, you were discussing a situation you had
12 at John Gotti's club.
13 A Yes.
14 Q What was the name of that club?
15 A Bergin Hunt and Fish Club.
16 Q Now, after you had the conversation outside with
17 Angelo, Quack Quack, what happened next?
18 A I left.
19 Q Did you go to see anyone?
20 A Yes.
21 Q Who?
22 A Mr. Frank.
23 Q Why did you go to see Mr. Frank?
24 A Because I was insulted by what I was accused of.
25 Q What happened when you went to see Mr. Frank?

1 A He said you should have never went to the club. They
2 gotta come to me and discuss anything about you with me.
3 They can't just send for you like that.
4 Q At the time, were you around Mr. Frank?
5 A Yes.
6 Q What happened then?
7 A Frank went and seen John.
8 Q John who?
9 A John Gotti.
10 Q Did he come back and tell you what happened?
11 A Yes.
12 Q What did he say to you?
13 A He told me not to go there. I don't have to go when
14 anybody calls me except him. And just stay away from them.
15 Q Stay away from who?
16 A From John, Vinny and stay out of that bullshit.
17 Q In the 1970s, did you get into a dispute with Tony Lee?
18 A Yes.
19 Q What happened?
20 A His nephew almost ran me over. He was racing a car
21 down the block. And he almost ran me and my girlfriend
22 over.
23 Q So what did you do?
24 A Beat him down.
25 Q What happened next?

A Tony Lee showed up with Anthony Ruggiano, Sal Pugliesi, a couple of the guys in a limousine. And they tried to get me in the limousine. I pulled a gun on them. As I was pulling the gun, Tony punched me in the face and I punched him back.

Q Did they leave?

A Yes.

Q What happened next?

A I went and seen Mr. Frank.

Q What did you tell him?

A Told him exactly what happened.

Q What happened next?

A He went to the gold store and seen Tony Lee and straightened it out.

Q What was the gold store?

A It was a store they had on Liberty Avenue with Sal Reale and Louie Gioli.

Q Who had the gold store?

A Sal Reale, Loui Gioli, Tony Lee and Fat Andy.

Q Who was Fat Andy?

A He was Tony Lee's partner.

Q And where was the gold star?

A On Liberty Avenue off 93rd Street.

Q What borough?

A Queens.

Q I'm going to show you some pictures. Government Exhibit 79, who is that?
A Andy Ruggiano.
Q What's the nickname?
A Fat Andy.
Q What crime family?
A Gambino.
Q Position?
A He was a made member and then a captain.
Q 78, who is that?
A Anthony Ruggiano, his older son.
Q Whose older son?
A Fat Andy.
Q Association with the crime family?
A Yes.
Q Which one?
A Gambino.
Q Now, after they left and you went to see Mr. Frank, what happened then?
A He went and seen Tony Lee at the gold store and straightened it out.
Q And what did he tell you about how he straightened it out?
A Tony Lee was pushing the issue that I put my hands on him, and Frank said, well, does he know who you are? And

1 Tony says, I'm in the neighborhood, but did you tell them
2 who you were, you're a wise guy? And he said no. You're a
3 wise guy so he didn't know that you were hitting him.
4 Q Is there a rule in organized crime about raising your
5 hand to a made member?
6 A Yes.
7 Q What's the rule?
8 A Don't put your hands on a made member.
9 Q What was your understanding of how Mr. Frank resolved
10 that for you? What was he saying about you?
11 A He told Tony Lee, well, he wouldn't know you're a wise
12 guy, he's not supposed to know.
13 Q Was it resolved?
14 A It was resolved.
15 Q In the 1980s, were you arrested several times?
16 A In the '80s, twice.
17 Q What were you arrested for?
18 A Assaulting a police officer and armored truck
19 hijackings.
20 Q Starting with the assault of a police officer, who were
21 you with when you were arrested?
22 A Frankie Burke.
23 Q What happened?
24 A I just came back from Florida. He picked me up at the
25 airport. And we shot into Manhattan to hang out and party.

1 And while we were hanging out, we were having a good time,
2 we got done, got in the car, and we left.
3 On our way back home, somebody was
4 following us. I told Frankie, I said, bro, somebody's
5 following us. He said nobody's following us. I said blow
6 these lights right here. So he went through the light on
7 Woodhaven Boulevard up by the LIE, and the car that I told
8 him was following us blew the light also. The next light,
9 they blew it, too.
10 So we just blew all the lights down
11 Woodhaven Boulevard to get to PJ's house to get guns. I
12 asked Frankie, you got a gun on you? He said, no, I don't
13 have a gun.
14 Q What were you concerned about?
15 A Getting killed.
16 Q And where did you and Frankie go?
17 A We went to PJ's house on 93 -- 94th Street.
18 Q Why did you go there?
19 A I had some guns there.
20 Q What happened?
21 A I had a machine gun there. I had a couple pistols
22 there.
23 Q What happened when you got there?
24 A PJ wouldn't open the door.
25 Q After he wouldn't open the door to you, what happened

1 next?
2 A I went and hid behind my car because that car pulled up
3 and blocked Frankie in. And what happened next is Frankie
4 pulled it in reverse, rammed that car. The driver got out
5 of the car that was blocking him, ran around with a pistol
6 and stuck it into the car where Frankie was in the driver's
7 seat. Frankie pushed his hand up to the roof, closed the
8 window and backed out of the driveway scraping this guy
9 against the house.
10 Q What was your understanding of why he closed the
11 window?
12 A So he could control what was going on.
13 Q What happened then?
14 A The window broke. The guy fell down on the floor after
15 he threw a couple of shots into the roof of the car.
16 Q When you say threw a couple of shots into the roof of
17 the car, what happened?
18 A The guy shot the gun from the car.
19 Q Were you outside the car?
20 A Yes.
21 Q What happened then?
22 A I was hiding behind the car that I had parked in the
23 driveway. And another guy came from around the other
24 driveway through the backyard, come over the fence. And
25 when he got to where I was hiding, I jumped up and hit him,

1 knocked him out. Started kicking him. And when I rolled
2 him over, he had a big detective shield on.
3 Q What did you realize at that moment?
4 A I had a big problem.
5 Q What happened then?
6 A I tried to get away, but by the time I got to the end
7 of the driveway, we were swamped with cops.
8 Q What happened then?
9 A They cuffed me behind my back and flipped me on the
10 floor face down. They slammed my face against the concrete.
11 They had Frankie the same way. Then they stepped on the
12 cuffs and closed them to where the circulation was cut off
13 from my hands and my arms.
14 Q And had you and Frankie basically assaulted these
15 police officers?
16 A Yes.
17 Q And did you know they were police officers at the time
18 that you began?
19 A No.
20 Q Were you placed under arrest at that time?
21 A Yes.
22 Q And then what happened to you?
23 A We were given bullpen therapy for three days, beat up
24 in the bullpen in the 106 precinct.
25 Q And what was your understanding of why it went on?

A Frankie kept cursing them out and telling him how his father was going to kill them out so they kept coming in there beating us down.

MS. MACEDONIO: Objection.

THE COURT: We can move on.

MS. ARGENTIERI: Okay.

BY MS. ARGENTIERI:

Q You said that was the first time you were arrested in the '80s or you testified that you were arrested for that in the '80s?

A Yes.

Q What happened to that case? Did you end up going to jail on that?

A No. I took a plea.

Q Now, what was the other thing you were arrested for in the 1980s?

A Armored truck hijackings.

Q And how many armored truck hijackings were you arrested for?

A Two.

Q When was the first one?

A July of 1979.

Q Around there?

A Yeah.

Q And who had you done that armored truck hijacking with?

A It might have been March of 1980.
Q Okay.
A Yeah, July of '80 maybe.
Q Who did you commit that crime with?
A Andrew Curro, Frank Boccia, Geeky, Joey Calvacanti and myself.
Q When you said Frank Boccia, that was Frank Boccia's nickname was Geeky, right?
A Yes.
Q And what was that robbery?
A That was of an IBI armored car on Lefferts Boulevard in Queens, Ozone Park.
Q What did you do?
A Hijacked a truck and took the money.
Q How much money did you get?
A 350,000, 400,000.
Q And with regard to the guards who are on that truck, what did you do to them?
A I took their licenses and gave them a hundred dollars each.
Q Why did you take their licenses?
A So they would know I knew where they lived in case they were ever going to testify against me.
Q You said you also committed a second robbery?
A Yes.

1 Q What was that robbery?
2 A That was outside the *Daily News* plant right off
3 Atlantic Boulevard in Brooklyn.
4 Q Was it the same type truck company?
5 A Yes.
6 Q And who did you commit that robbery with?
7 A Andrew Curro, Joey and my brother.
8 Q Not Geeky?
9 A No. He was in Italy.
10 Q Were both of those robberies armed robberies?
11 A Yes.
12 Q Did you get money from the second one?
13 A Got money from everyone.
14 Q How much money did you make off the second robbery?
15 A About 750,000.
16 Q That was the total?
17 A Yeah.
18 Q How much was your take?
19 A About 200.
20 Q Was anyone injured during those robberies?
21 A No.
22 Q After you got arrested, did you go to trial?
23 A Yes.
24 Q Were you convicted?
25 A Yes.

1 Q What were you sentenced to?
2 A 12 years.
3 Q So for what time period were you in prison?
4 A From 1981 to 1988.
5 Q Is that a state or federal case?
6 A Federal.
7 Q While you were serving that time, were you asked to
8 testify for a defendant?
9 A Yes.
10 Q For who?
11 A John Gotti.
12 Q When, approximately?
13 A I think they come and visit me, it might have been the
14 summer of '85 to discuss it with me. They just got arrested
15 for a RICO case.
16 Q Who had gotten arrested?
17 A There was ten defendants on that case. There was John
18 Gotti, his brother, Gene Gotti; Lenny DeMaria, Nicky
19 Corozzo, John Carneglia, Charles Carneglia, Anthony Rampino
20 and Willie Boy Johnson.
21 Q And you said it was a RICO case?
22 A Yes. Racketeering case.
23 Q Do you know if Anthony Rampino has a nickname?
24 A Yes.
25 Q What is it?

A "Tony Roach."
Q What crime family were all of those individuals associated with?
A Gambino.
Q What were you asked to do?
A I was asked to testify in their defense.
Q About what?
A That I never kicked money up to them from the armored truck robberies.
Q And who was charged with the armored truck robberies?
A Me. To begin with or on that case?
Q On that case.
A The whole line of defendants.
Q They were charged with the armored truck robberies that you had committed?
A As a predicate act with the RICO case.
Q With Andrew and others?
A Yes.
Q What did they want you to testify about?
A That I never kicked money up to John.
Q Had you kicked money up to John?
A No.
Q Now, prior to that, had you had a discussion with Andrew Curro when you were both on the Street about kicking up from those robberies?

A Yes.
Q This is before anyone's arrested for it?
A It's before the robberies were even done.
Q And what did he tell you?
A No. I told him not to discuss this with anybody or tell anybody and anybody's crew what we're doing so it don't get all over the place. Because stuff like that spreads like wildfire.
Q Okay.
A And Andrew went against what I asked him and went and gave them money.
Q Who did he give money to?
A I guess John. He didn't tell me directly who he gave the money to, but wound up in their hands. And they knew about what went down.
Q So Andrew kicked up to John or to someone in that family?
A Right.
Q And what crime family was Andrew around?
A Gambino.
Q Now, had you kicked up to Mr. Frank from that robbery?
A No.
Q Now, at some point did Mr. Frank approach you about that?
A Yes.

Q After it got out?
A Yes.
Q Before you were arrested?
A Before I was arrested.
Q And what did he say to you?
A He asked me if I was involved in any robberies lately. And I was pretty much like, you know, what are you talking about? And then he laid it out and I told him, yeah, I was involved.
Q And did you give him something?
A I never really kicked money up to him. I took care of him. I was his muscle.
Q Did you give him services?
A Yes.
Q What kind of services?
A I took care of his cars. I took care of whatever he needed done as far as his apartment.
Q And did you testify at John Gotti, Sr.'s, trial?
A Yes.
Q Showing you Government Exhibit 44, who is that?
A John Gotti.
Q And he was on trial?
A Yes.
Q Government Exhibit 25, who is that?
A Nicky Corozzo.

1 Q Was he on trial?
2 A Yes.
3 Q Showing you Government Exhibit 26, who is that?
4 A Jo Jo Corozzo.
5 Q Now, is he related to Nicky Corozzo?
6 A It's his brother -- younger brother.
7 Q And what association does he have to organized crime?
8 A Right now or what capacity is he serving as?
9 MS. MACEDONIO: Objection.
10 BY MS. ARGENTIERI:
11 Q When you were on the Street.
12 A Oh. When I was on the Street last, he was the
13 consigliere.
14 Q Government Exhibit 70?
15 A Tony Roach.
16 Q He was a defendant in that case as well?
17 A Yes.
18 Q Why did you decide to testify?
19 A Because it would have enhanced my standing amongst John
20 and the members of the Gambino family. John was already the
21 boss.
22 Q You thought it would look good for you?
23 A Yes.
24 Q Now, was your testimony truthful?
25 A Halfway.

1 Q What do you mean?
2 A Well, I never gave him any money so that was the truth.
3 But when Diane Giaccalone was cross-examining me about other
4 crimes that I committed, I lied.
5 Q Who was Diane Giaccalone?
6 A The U.S. Attorney who prosecuted me.
7 Q So when you were being cross-examined by the prosecutor
8 in that case, you lied about certain things?
9 A Yes.
10 Q About crimes you committed?
11 A Yes.
12 Q About how you knew the defendants in that case?
13 A Yes.
14 Q Probably other things?
15 A I mean, I don't remember what I was asked, but I lied.
16 Q And what happened at that trial?
17 A They were acquitted.
18 Q After that, did your affiliation in organized crime
19 change?
20 A Yes.
21 Q What happened?
22 A I was switched to the Gambino family by Joe Massino.
23 Q How did that happen?
24 A I was in MCC in Manhattan, and I was in the kitchen
25 downstairs making some meals. And I was called up to 11

1 North. When I got up to 11 North, Joe Massino and Angelo
2 Ruggiero were waiting for me. They brought me upstairs to
3 the game room and Joe laid it out for me. He said from now
4 on, you're not with us, you're with them and you're going to
5 report to Johnny Canigg.
6 And I was like what? Why? Don't ask
7 why. That's just the way it is.
8 Q From that point forward, what was your status?
9 A I was an associate of the Gambino family.
10 Q Were you happy about that?
11 A Not really, no.
12 Q Why?
13 A Because I was solidified in the Bonanno family, and I
14 was a shoe in to get straightened out there because of the
15 Setimo Flavia situation.
16 Q Because you had killed for them?
17 A Yes.
18 Q Now, you said this meeting happened in the MCC. What's
19 the MCC?
20 A The Metropolitan Correction Center.
21 Q And you were there. Who else was there?
22 A Everybody from the five families, all the bosses,
23 everybody, John.
24 Q Not in the prison. Who was at the meeting?
25 A Oh, the meeting in MCC with me and Joe and Angelo?

1 That's it.
2 Q And at that time, what was Joe Massino's position with
3 the Bonanno crime family?
4 A He was the acting boss. Phil Rastelli was still alive
5 and he was on the floor, too.
6 Q What year did you come home from prison?
7 A March 23rd, 1988.
8 Q At that time, who were you reporting to in organized
9 crime?
10 A John Cannig.
11 Q And after that, did he get arrested?
12 A Yes.
13 Q And then who were you reporting to?
14 A His brother, Charles.
15 Q What, if any, businesses did you have when you came
16 home?
17 A The marijuana business.
18 Q Did you have any legitimate businesses?
19 A Yes.
20 Q What?
21 A Scrap metal.
22 Q What was the name of your company?
23 A Abstract Auto Recycling.
24 Q Did you do legitimate work there?
25 A Sometimes.

1 Q Also crimes?
2 A Yes.
3 Q What crimes did you commit out of that business?
4 A Cut cars, chop cars, sold stolen parts.
5 Q Now, you said --
6 A Beat people down real good, yeah.
7 Q You said you also had a marijuana business?
8 A Yes.
9 Q And you were assaulting people?
10 A Yes.
11 Q When you came home from prison, what happened to your
12 friend, Frank Boccia, Geeky?
13 A He was killed.
14 Q What, if any, discussion did you have with Boccia
15 before he was killed?
16 A I told him not to go to the meeting he was going to.
17 Q What had he explained to you was going on?
18 A He told me that Tony Lee and Fat Andy were going to
19 fund him in his tile business, and that he needed the leg
20 up. They were going to give him work and give him some
21 money to get started.
22 Q And did you believe that?
23 A Absolutely not.
24 Q Had you previously had a conversation with one of the
25 Carneglias?

1 A Yes.
2 Q What did they tell you?
3 A They told me tell Geeky to get on his horse and ride.
4 Q What do you mean by that?
5 A To leave.
6 Q What did they tell you about why he should leave?
7 A Because he hit Andy's wife.
8 Q Can you explain what was Geeky's relationship with
9 Andy's wife.
10 A That was his mother-in-law.
11 Q Who is Geeky married to?
12 A Fat Andy's daughter, Francine, at the time.
13 Q And so you're saying -- what Carneglia?
14 A John Carneglia.
15 Q Told you that because he had hit Fat Andy's wife, what
16 was going to happen?
17 A They were going to kill him.
18 Q Did you try to warn him?
19 A I did warn him.
20 Q Did he go to the meeting anyway?
21 A He went anyway.
22 Q You see him again?
23 A Never.
24 Q After he disappeared, did you have a conversation with
25 Fat Andy's son?

A Yes.
Q What did he tell you?
A He came and told me that he dropped Frank off at a house on 116th Street in Ozone Park.
Q Did you believe him?
A No.
Q When he said that to you, what was your understanding of why he was telling you that?
A He was trying to cover up that he was the last person with Geeky. I had nothing to do with anything. I don't know where he is. I dropped him off here and that's the last time I seen him.
Q What was your understanding of what role he actually played?
A He lured him in.
MS. MACEDONIO: Objection.
THE COURT: Sidebar.
(Sidebar conference.)
(Continued on the next page.)

1 MS. MACEDONIO: So I made the objection. I think
2 I'm just going to withdraw it.
3 MS. ARGENTIERI: I'm moving on anyway.
4 (End sidebar conference.)
5 (Continued on the next page.)
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1 BY MS. ARGENTIERI:
2 Q When you say he lured him in, who lured who in?
3 A Andy lured Frankie into the club.
4 Q Which Anthony?
5 A Ruggiano.
6 Q The son?
7 A Fat Andy's son.
8 Q And what was his family relationship with Geeky?
9 A Anthony was his brother-in-law.
10 Q Now, when you came home from prison, were you aware if
11 the defendant had a restaurant?
12 A Yes.
13 Q Where was the restaurant located?
14 A 5 Towns in Long Island.
15 Q And what kind of food did they serve?
16 A Italian.
17 Q Did you have a dispute that involved that restaurant
18 and the person who worked next door?
19 A Yes.
20 Q Or did you attempt to resolve a dispute?
21 A Yes.
22 Q What happened?
23 A Dean was washing cars and selling cars off a gas
24 station that was next to the restaurant. And the water from
25 the car wash was soaking the sidewalk and the Street up.

1 And when Vinny had to walk through it, his shoes would get
2 all wet and they would go in his restaurant. Not like that.
3 Q Who told you about this?
4 A Dean.
5 Q What was he asking you to do?
6 A He didn't know who Vinny was. I didn't know that Vinny
7 had the restaurant until that day.
8 Q So what did you do?
9 A I went and spoke with Vinny.
10 Q And what did you try to do?
11 A Resolve the situation.
12 Q How?
13 A By telling him the kid is just washing cars. He's not
14 doing this on purpose. I mean, he don't mean any harm.
15 It's just where the water is going.
16 Q What happened when you saw the defendant?
17 A When I seen Vinny?
18 Q Uh-huh.
19 A He was kinda upset about the water and, you know, he
20 wanted that resolved.
21 Q Were you able to resolve that?
22 A Yes.
23 Q How?
24 A I went to Charles.
25 Q Charles who?

A Charles Carneglia.
Q Were you reporting to him at the time?
A Yes.
Q What did you ask him to do?
A To go see Vinny and take care of the situation.
Q Did he agree to do that?
A Yes, he did.
Q What did he ask for in return?
A For me to go threaten Gino Mandarino (phonetic).
Q Who was Gino Mandarino?
A He was a restauranteur and a club owner in Long Island.
Q What was your understanding of why he wanted you to do that?
A He wanted to shake him down.
Q Explain how that works.
A Well, a guy like me goes and threatens somebody and harasses them and gives them a hard time in life. They go to somebody to get me off their back. And then they wind up paying the somebody they went to get me off their back.
Q And did you go and upset Gino?
A Yes.
Q To your knowledge, did he go to Charles for help?
A From what I understand, he did. But nothing ever came out of it.
Q Now, when you came home from jail in the late '80s, did

1 you see Gasper around?
2 A No.
3 Q When you came home from jail, you said you had a
4 marijuana business. Did you have a marijuana business with
5 the Carneglias?
6 A Yes.
7 Q And what was the business? What were you doing?
8 A We were bringing marijuana from Mexico to Texas and
9 then from Texas to New York and distributing it.
10 Q And were you starting to make some money?
11 A Yes.
12 Q And then what happened?
13 A A load got pinched at the terminal in Houston.
14 Q What do you mean, a load got pinched?
15 A A trailer full of marijuana, tractor-trailer.
16 Q And what happened?
17 A We lost a couple hundred thousand. They lost a couple
18 million. And John was already in jail. So Charles was
19 handling everything. When I went and explained it to
20 Charles, Charles told me that they're lying.
21 Q Let's just back up a second. You said that you lost a
22 couple hundred thousand. Who were the people in the
23 transaction who lost a couple of hundred thousand?
24 A Me, Johnny Cannig, Charles.
25 Q When you say Johnny Cannig, you're referring to Johnny

1 Carneglia?
2 A Yes.
3 Q And Charles Carneglia?
4 A Yes.
5 Q When you said some people in the transaction lost a
6 couple million, who were you referring to?
7 A The people in Texas.
8 Q And that was as a result of law enforcement seizing the
9 trailer?
10 A Yes.
11 Q Now, after that happened, did you discuss it with
12 Charles?
13 A Yes, I did.
14 Q And what did he tell you?
15 A He told me they robbed me.
16 Q What did you understand him to mean by that?
17 A That they beat me for the money. I was, like, they
18 didn't.
19 Q Meaning, that they were lying to you?
20 A Right. That the load didn't get pinched.
21 Q And so after that, did you take steps to make sure you
22 weren't being lied to?
23 A Yes.
24 Q What did you do?
25 A I flew down to Texas. I met with Dee Smith, a kid that

1 was on the run from the problem with the load. He gave me
2 the newspaper articles. And I let him know what was going
3 to go on. And came back to New York. Showed Charles the
4 articles. He still didn't believe it.
5 Q What were the articles about? What did they show?
6 A Well, they explained the story on how they followed
7 them and how the trailers got detected and the people that
8 were involved.
9 Q So these were press reports about your marijuana load
10 being stolen?
11 A Yes.
12 Q And you said --
13 A No. About law enforcement seizing it.
14 Q Right. I'm sorry.
15 And so then you took those newspaper
16 articles and you showed them to Charles?
17 A Yes.
18 Q And he wasn't convinced?
19 A No.
20 Q After that, I think you testified earlier that you went
21 and you saw John?
22 A Yes.
23 Q Where was John when you went to go see him?
24 A John was in Terry Hood, Indiana, at a federal
25 penitentiary.

1 Q When you went to go see John, who else was there?
2 A It was me, Charles, Richie and Gotti and Kevin McMahon.
3 Q Now, how did you get into the prison?
4 A I went and got a fake ID in Manhattan because I was on
5 parole. And I went in and called Anthony Indelicato out.
6 He was also in Terry Hood.
7 Q Can you explain to the jurors what that means when you
8 called him out.
9 A I went in as his visitor.
10 Q So that he would be brought down for a visit?
11 A So Johnny Cannig could come out to the visit room and I
12 didn't call down.
13 Q Did you use your fake ID to do that?
14 A Yes.
15 Q And who was Anthony Indelicato married to?
16 A Cathy Burke.
17 Q Does he have a nickname?
18 A "Bruno."
19 Q So you said when you were meeting in the visiting room,
20 it was you, Charles, John and Kevin. Am I right about that?
21 A Yes. With Richie and Gotti.
22 Q Okay. So what happened during that meeting?
23 A I showed John the articles. When he got done reading
24 them, he said, you know what, just give me 30,000 and we'll
25 forget about this. And I was like what? What do you mean

1 give you 30,000? Why should I give you 30,000? Where am I
2 going to get 30,000 to give you? I'm just getting on my
3 feet.
4 I just come home. And he was pretty
5 much determined on me giving him 30,000. And our
6 relationship after that soured really bad.
7 Q Why did you think it was unfair that you should have to
8 give the 30,000?
9 A Because we made a lot of money together. And the money
10 that we lost was put together in the Street. It wasn't
11 like it came out of anybody's pocket.
12 Q What do you mean it was put together in the Street?
13 A It was put together out of profits from the marijuana
14 business as a bankroll.
15 Q And he was basically holding you personally responsible
16 for the loss?
17 A Yes.
18 Q After that, did your status in organized crime change?
19 I know your status, but who you reported to change?
20 A Yes.
21 Q After this, would you say it's an argument or a
22 dispute?
23 A Yes. It was a dispute.
24 Q Who did you report to in the Gambino family?
25 A Iggy Alonga.

1 Q That's for what time period?
2 A From about 1991 until the day I cooperated.
3 Q What was your relationship with Iggy Alonga?
4 A I know Iggy my whole life. I had a good relationship
5 with him until I flipped, became a government witness.
6 Q Did you put things on record with him?
7 A Certain things.
8 Q How often did you see him?
9 A At least once a week.
10 Q At some point did you give Iggy Alonga money for the
11 Carneglias?
12 A Yes.
13 Q How much money?
14 A About 18,000.
15 Q Where had you gotten that money?
16 A From a coke store.
17 Q What do you mean?
18 A I went and robbed a cocaine dealer and gave them some
19 of the money.
20 Q Was that toward the 30,000?
21 A Yes.
22 Q Now, in the 1990s, did you get arrested for marijuana
23 possession and a DWI?
24 A Yes.
25 Q How much time -- were those state or federal cases?

1 A State.
2 Q And did you do some jail time for that?
3 A Yes.
4 Q Also in the '90s, were you in a car accident?
5 A Yes.
6 Q What happened?
7 A Got run over.
8 Q By who?
9 A My girlfriend.
10 Q Was it an accident?
11 A Semi.
12 Q How badly were you hurt?
13 A Broke my leg.
14 Q And after that, were you prescribed prescription
15 medication?
16 A Yes.
17 Q And how much pain were you in?
18 A Tons.
19 Q At some point did the doctors cut off your prescription
20 drugs?
21 A Yes.
22 Q Were you addicted?
23 A Yes.
24 Q After that, what kind of drugs did you use?
25 A Street heroin.

1 Q For how long did you use Street heroin?
2 A About three years.
3 Q Have you also used other drugs in your life?
4 A Yes.
5 Q How bad was your heroin addiction?
6 A I mean, bad, you know. You're addicted to drugs.
7 You're addicted to heroin. That's not a good thing. It's
8 bad.
9 Q You said for a couple years?
10 A Yes.
11 Q How did you quit?
12 A Cold turkey.
13 Q Now, also in the 1990s, were you involved in a murder?
14 A Yes.
15 Q Who was the victim?
16 A Johnny Gebert.
17 Q Who was he?
18 A Johnny Gebert was a neighborhood drug dealer that was
19 uncontrollable.
20 Q When you say a neighborhood drug dealer, what
21 neighborhood?
22 A Queens, Woodhaven.
23 Q And how did you become involved with the murder of John
24 Gebert?
25 A When I first came home in 1988, Johnny Alite came to me

about a problem they were having with him.
Q Who is Johnny Alite?
A He was John Gotti, Jr.'s, partner and an associate in the Gambino family.
Q What did he tell you about the problem they were having with him?
A That Johnny Gebert was pretty much a loose cannon running around doing whatever he liked to do; shooting places up, shooting people, selling drugs, not listening.
Q What did he ask you to do?
A Kill him.
Q Did you agree?
A Yes.

(Continued on the next page.)

1 DIRECT EXAMINATION
2 BY MS. ARGENTIERI:
3 Q What did he ask you to do?
4 A Kill him.
5 Q Did you agree?
6 A Yes.
7 Q After that what happened?
8 A He got arrested and went to jail for seven or eight
9 years.
10 Q Who got arrested?
11 A Johnny Gebert. He was on the run at the time. He had a
12 case going on and he ran away. And they finally apprehended
13 him and put him in jail.
14 Q You said he was away for seven or eight years?
15 A Yes.
16 Q So when he came home, how did this get started again?
17 A They told me he was home.
18 Q And what happened then?
19 A He got killed a week later.
20 Q At whose direction?
21 A Mine.
22 Q What did you do?
23 A I set everything up, had the cars stolen, set up the
24 scenario for him to get killed.
25 Q When you said you had the car stolen, who was going to

1 use the car?
2 A The team that was running out to shoot him.
3 Q Who was that team?
4 A Mike Malone was the driver, Patsy Andriano was one of the
5 shooters and Dave Valpino was a shooter.
6 Q What happened to John Gebert?
7 A He got killed.
8 Q Where?
9 A On Woodhaven Boulevard.
10 Q Where specifically?
11 A No, he got killed on Jamaica Avenue and 89th Street by
12 Frankie and Johnny's bar.
13 Q By Frankie and Johnny's bars?
14 A In Woodhaven.
15 Q And whose bar was that?
16 A The bar was around Charles Camelia.
17 Q You said that he was running around like a maniac and he
18 was like a drug dealer.
19 Were there issues with where he was dealing his
20 drugs?
21 A Yes.
22 Q What issues?
23 A Well, they had the avenue pretty much locked down, Johnny
24 Eli. And when Gebert came home he put everything into turmoil
25 again.

1 Q Meaning what?
2 A He started chasing their dealers away and retaking the
3 Woodhaven area over.
4 MS. ARGENTIERI: Give me one second.
5 (Brief pause.)
6 Q When you came home, what, if any, autobody businesses did
7 the defendant have around him?
8 A He had Guy Galcho around him. He had a couple of body
9 fender shops in the neighborhood. He had Jackie.
10 Q Who is Jackie?
11 A A made member in the Bonanno family.
12 MS. ARGENTIERI: I'm sorry. Just one second.
13 Q Do you know the name of Jackie's place?
14 A No. It was in Centreville.
15 Q Who is John Ragano?
16 A John Ragano was a kid from the neighborhood we grew up
17 with who was around Vinny.
18 Q How long did you know him?
19 A His whole life.
20 Q What was his status in organized crime?
21 A He was an associate when I was on the Street.
22 MS. ARGENTIERI: Just give me one second, I'm sorry.
23 THE COURT: Yes.
24 Q Showing you Government's Exhibit 69. Who's that?
25 A John Ragano.

1 Q Now, I'm showing you Government's Exhibit 91. Who's
2 that?
3 A Ronnie One Arm.
4 Q What crime family is he around?
5 A Gambino.
6 Q Is he an inducted member?
7 A Yes.
8 Q What was Ronnie One Arm's relationship with the
9 defendant?
10 A Not good.
11 Q Who did you discuss it with?
12 A Lenny DeMaria.
13 Q Where were you when you discussed it with Lenny DeMaria?
14 A Petersburg, Virginia.
15 Q And at the time did Lenny know about your own issues with
16 the defendant?
17 A Yes.
18 Q What did he tell you about what happened with the
19 defendant and Ronnie One Arm?
20 A That he knocked him down from getting straightened out.
21 Q What do you mean by that?
22 A He pretty much put the kabash on it. Wouldn't let him
23 get straightened out.
24 Q How does that work in organized crime? For someone to
25 get straightened out what has to happen?

A Well, your name goes on the list and then it goes to the other four families. Whichever family it was going around with it goes to the four captains. Then the other four families get the list and they circulate it around the captains, and the people that are interested in you getting straightened out.

Q When you say that he knocked Ronnie's name down, was Ronnie later straightened out?

A Yes.

Q And what did Lenny tell you about the defendant's position at the time that you were having that conversation?

A He was a captain.

MS. ARGENTIERI: Judge, I've also been told I need to move in Government's Exhibit 1 and 21-A.

MS. MACEDONIO: No objection.

THE COURT: Admitted.

(Government Exhibits 1 and 21-A, admitted in evidence.)

Q Showing you Government's Exhibit 29, who's that?

A Anthony Garino.

Q Who is Anthony Garino?

A JJ's brother.

Q Who is JJ?

A JJ was a very close friend of mine.

Q What crime family, if any, was Anthony Garino associated

with?
A He wasn't associated with any crime family.
Q Showing you Government's Exhibit 50. Who's that?
A Cesar Garino.
Q How is he related to Anthony, if at all?
A That's his cousin. It's not his brother.
Q And what association did Cesar have with organized crime?
A Cesar was a known associate of the Gambino family.
Q At the time you were home, right?
A Yes.
Q Now, in the 2000s did you have a profitable marijuana business?
A Yes.
Q Where were you growing marijuana?
A In warehouses in Brooklyn.
Q And how successful were you?
A Very.
Q How much money were you making?
A A lot. A lot, a lot of money.
Q And also in the 2000s did anyone come to you to tell you that you were going to be proposed into a crime family?
A Yes.
Q Who came to you?
A Tommy Cacciopoli and Little Jackie.
Q What's Tommy Cacciopoli's nickname?

1 A "Tommy Sneakers".
2 Q What crime family were they with?
3 A Gambino.
4 Q And at the time what were their positions?
5 A Tommy was a captain and Jackie was a soldier.
6 Q What did they say to you?
7 A They took me for a walk around Howard beach and told me
8 that they were going to put me in.
9 Q Who else was going to get put in with you?
10 A JJ.
11 Q That's the JJ you just testified about?
12 A Yes.
13 Q What did you say to them?
14 A I said what do I need to be straightened out from? I'm
15 45 years old. I really don't need to get straightened out
16 now. I got you guys.
17 Q That's what you told them, "I got you guys"?
18 A Yeah.
19 Q Did you want it then?
20 A No.
21 Q Why not?
22 A A lot of years of watching what was going on. A lot of
23 years of ups and downs. Didn't need it.
24 Q Now, directing your attention to the 2000s. Were you
25 arrested federally by Florida -- in Florida?

A Yes. Miami, Florida.
Q And were you charged with RICO?
A Yes, I was charged with racketeering.
Q And did you plead guilty in this case?
A Yes, I did.
Q What were you sentenced to?
A Forty-six months.
Q While you were in jail on that case, were you arrested again?
A Yes.
Q Also federally?
A Yes.
Q For what?
A Growing marijuana in warehouses in Brooklyn.
Q Growing marijuana?
A Money laundering.
Q Money laundering?
A Yes.
Q How much time did you face?
A Twenty years.
Q What did you decide to do?
A Well, the 20 years wasn't the deciding factor. It was that when I got to Nassau County Jail Charles put a rat wire on me.
Q Can you explain to the jurors what that means.

1 A Charles put it out that I was cooperating with the
2 government when I went and they kept pursuing that. I
3 couldn't get it straightened out. I sent word to the Street a
4 couple of times to have this straightened out. Nobody
5 straightened it out and I was in the Nassau County Jail pretty
6 much fighting every day.
7 Q Why were you fighting every day?
8 A Well, because I was being called a rat and I wasn't.
9 Q What was your understanding of why they were -- why they
10 put the rat wire on you?
11 A Well, Charles and I weren't seeing eye to eye no more
12 over that $30,000, and that was his favorite thing, he put a
13 rat wire on you. Put one on the kid Kevin McMann and me, and
14 pretty much I couldn't get it straightened out. So I was
15 going to go get a life sentence or 20 years and go to
16 penitentiary and have a rat wire on me. After leading my life
17 the correct way 1000 percent with all my so-called friends and
18 buddies.
19 Q And when you say "the correct way," you mean the
20 organized crime way?
21 A Yes. Not cooperating with law enforcement.
22 Q And so after you decided to cooperate with the
23 government, did you begin meeting with the government?
24 A Yes.
25 Q And what did you tell them?

1 A The first thing I did was tell them everything about
2 myself, and then I told them everything about everybody I did
3 what I did with.
4 Q And did you enter into a cooperation agreement with the
5 government?
6 A Yes, I did.
7 Q Did you plead guilty pursuant to that agreement?
8 A Yes, I did.
9 Q When was that?
10 A October of 2005 maybe, 2006.
11 Q And are you testifying here as part of your agreement?
12 A Yes, I am.
13 Q What did you agree to do for the government?
14 A To cooperate truthfully.
15 Q Tell the truth?
16 A And they investigated everything I said over a lot of
17 years to make sure I was telling the truth.
18 Q What did the government agree to do for you?
19 A They agreed to write a 5K1 letter.
20 Q And who does the 5K1 letter go to?
21 A The judge.
22 Q At your sentencing?
23 A Yes.
24 Q And what goes in that letter?
25 A All the bad I did. And then all the cooperation I did.

1 Q And have you testified at multiple trials?
2 A Yes, I have.
3 Q Pursuant to your cooperation agreement, have you also
4 been called by the defense in certain trials?
5 A Yes.
6 Q Now, did you -- have you been sentenced, sir?
7 A Yes.
8 Q Did you receive a 5K1 letter from the government?
9 A Yes, I did.
10 Q When was that?
11 A At my sentencing.
12 Q When was your sentencing?
13 A 2011, June.
14 Q And what was your sentence?
15 A I already had seven years in and the judge gave me
16 another year and a day.
17 Q And you served that time in jail?
18 A Yes, I did.
19 Q Now, when you first decided to cooperate, you said you
20 were charged with marijuana distribution and money
21 laundering?
22 A Yes.
23 Q What did you plead guilty to pursuant to your cooperation
24 agreement, how many murders?
25 A Two.

1 Q Are those crimes you told the government about?
2 A Yes.
3 Q And did you also tell the government about other crimes
4 you committed including crimes of violence?
5 A Yes.
6 Q And assaults?
7 A Yes.
8 Q Did you tell them about people you planned to kill but
9 didn't?
10 A Yes.
11 Q For example, who is -- were you ever involved in being
12 asked to participate in a murder for someone who was
13 unfaithful to their spouse?
14 A Yes.
15 Q Who asked you to do that?
16 A Vinny Gotti.
17 Q Who did he want you to hurt?
18 A The kid that owned Sapienza's Deli, Angelo Margullo.
19 Q Did he want you to kill him?
20 A Yes.
21 Q What had Angelo done?
22 A Vinny thought he was fooling around with his wife.
23 Q What happened to Angelo?
24 A He got shot up.
25 Q Did you -- were you there that day?

1 A No.
2 Q Did you help out in any way?
3 A I burned the car that they used.
4 Q Did Angelo die?
5 A No.
6 Q Have you also received money from crimes that were
7 committed where people were murdered?
8 A Yes.
9 Q For example, from a bar that was murdered?
10 A Yes.
11 Q What happened there?
12 A Patsy Andriano and my brother killed a guy after they did
13 the robbery or while they were doing a robbery.
14 Q And did you participate in that?
15 A No.
16 Q Did you take money afterwards?
17 A Yes, I did.
18 Q Is that something you told the government about?
19 A Yes, I did.
20 Q As part of your cooperation, did you also surrender money
21 and property to the government?
22 A Yes, I did.
23 Q How much money?
24 A I think about 300,000.
25 Q And additional property?

1 A Yes. 105 acres, a couple of houses.
2 Q And you turned that over to the government?
3 A Yes, I did. Equipment.
4 Q And you haven't gotten it back?
5 A Bank accounts. No.
6 MS. ARGENTIERI: I have no further questions.
7 THE COURT: Do you want a little break?
8 MS. MACEDONIO: Yeah.
9 THE COURT: Okay. Short break.
10 (Jury exits the courtroom.)
11 (Recess taken.)
12 (The following takes place at sidebar.)
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1 MS. COOLEY: Your Honor, could we approach for one
2 minute.
3 THE COURT: Yes.
4 MS. COOLEY: Your Honor, I'm sorry to revisit this.
5 We are requesting that we call both Guy Gralto and another
6 cooperating witness on Friday, Anthony Ruggiano, rather than
7 breaking it up into two different days. And there's a
8 possibility we might end somewhat early tomorrow, but we will
9 fill all of Friday and then some. I think we will have a very
10 full day on Friday, but that will --
11 THE COURT: Is there a special reason why? I mean,
12 I don't know why it's not possible to start a witness on one
13 day and finish him the next day.
14 MS. COOLEY: Your Honor, I don't think that it's not
15 possible. I just think that in terms of this particular
16 witness, I think there are just some difficulties with his
17 employer, and I think we really are trying to call as many
18 witnesses as possible for tomorrow.
19 THE COURT: Do you want me to call his employer?
20 MS. COOLEY: No. I don't believe so, Your Honor. I
21 just think that -- I don't believe --
22 THE COURT: Stay out of it.
23 MS. COOLEY: I just feel it shouldn't disrupt the
24 trial very much to do it this way. And I think it would be
25 slightly better if we can call them both on Friday. And I

1 think that we would still get a lot done this week and end the
2 week ahead of schedule to do it that way. We would call him
3 first thing on Friday and the defense would have enough time
4 to prepare for cross.
5 THE COURT: In other words, you would have tomorrow
6 afternoon and evening. Are you about ready for the other one?
7 MS. MACEDONIO: I think we'll be ready on Friday.
8 MS. COOLEY: Thank you.
9 THE COURT: How is this going to effect --
10 MS. COOLEY: Tomorrow, the trial?
11 THE COURT: The trial.
12 MS. COOLEY: I don't know that it would effect how
13 soon we would end.
14 THE COURT: It's probably Tuesday no matter what?
15 MS. ARGENTIERI: I think we are going to be done.
16 There's one CW issue that's up in the air, but I think we will
17 be done Tuesday. I mean, after yesterday --
18 THE COURT: I know what I did to you and I'm sorry.
19 MS. ARGENTIERI: No, I wasn't saying that. I'm
20 saying we got 17 witnesses out of the way out of how many.
21 So out of -- so I think we are in good shape. We're planning
22 to be done on Tuesday.
23 THE COURT: Do you have any sense of how lengthy, if
24 any, your case will be?
25 MS. MACEDONIO: Not right now. We have a lot of

1 balls in the hopper that I'm not sure how they are going to
2 turn up so.
3 THE COURT: Okay. But it's not going to go beyond
4 Wednesday you don't think?
5 MS. MACEDONIO: I don't think so, no.
6 (Sidebar concluded.)
7 (Continued on the following page.)
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1 THE COURT: Are we ready?
2 MS. ARGENTIERI: Yes, Judge.
3 Judge, just for the record, I think I forgot to
4 offer a couple of exhibits.
5 THE COURT: You can do that right after the jury
6 comes in.
7 MS. ARGENTIERI: Okay.
8 (Jury enters the courtroom.)
9 THE COURT: Please be seated.
10 There's one thing the government wants to do.
11 MS. ARGENTIERI: Yes. Judge, I neglected to offer
12 Government's Exhibit 78, 25, 91 and 50.
13 MS. MACEDONIO: No objection.
14 THE COURT: Admitted. Go ahead.
15 MS. MACEDONIO: Thank you, Your Honor.
16 (Government's Exhibits 78, 25, 91 and 50 admitted in
17 evidence.)
18 CROSS-EXAMINATION
19 BY MS. MACEDONIO:
20 Q Good afternoon, Mr. Zuccaro.
21 A How are you?
22 Q I'm fine. And yourself?
23 A Good.
24 Q This is not the first time you've testified at a trial;
25 is that correct?

1 A No, it's not.
2 Q So you told us on direct examination that you had
3 testified for John Gotti, Senior, do you remember that?
4 A Yes.
5 Q And was that in January of 1987?
6 A No.
7 Q When was that?
8 A It started I think in '86 I was brought down.
9 Q Are you talking --
10 A I think I got on the stand in '87, yes. It was around
11 New Years.
12 Q Okay. And you -- and that was before you started
13 cooperating, right?
14 A I didn't start cooperating until 2003. That's a long
15 time before.
16 Q Right. So it was before your cooperation, correct?
17 A Yes.
18 Q And then you also have testified a number of times as a
19 cooperating witness, correct?
20 A Yes.
21 Q So you testified in 2007 in a case against Dominick
22 Pizzonia, do you remember that?
23 A Yes.
24 Q And you testified in 2009 against Charlie Carneglia?
25 A Yes.

1 Q In 2009 again against John Gotti, Junior?
2 A I testified as a defense witness for --
3 Q So you were called again by the Gottis to testify,
4 correct?
5 A Yes.
6 Q And then in 2012 as a government witness for John Burke,
7 against John Burke?
8 A Yes.
9 Q 2013 you testified in the state of Florida at a
10 deposition, Anthony Muscatiello, am I pronouncing that
11 correct?
12 A I testified at trial.
13 Q First you did a deposition, right?
14 A I did a phone deposition.
15 Q And then you also testified at the trial, correct?
16 A Yes.
17 Q So and sometimes is it fair to say, Mr. Zuccaro, that
18 your testimony would go on for days?
19 A Days? I don't know if it was days. A lot of hours.
20 Q So you've been in that chair for a lot of hours, fair to
21 say?
22 A I've been in this chair for a couple of times for a lot
23 of hours.
24 Q And you testified that in furtherance of your cooperation
25 you have met several times with agents from the FBI, correct?

1 A Yes.
2 Q And you've testified in previous proceedings that the FBI
3 is careful, correct?
4 A They're careful?
5 Q Yes.
6 A I would say so.
7 Q Okay. And you testified I think here today that when you
8 began to be debriefed they took time to go over a lot of what
9 you said; is that correct?
10 A Yes.
11 Q They didn't just take your word for it, fair to say?
12 A Yes.
13 Q Now, originally -- well -- withdrawn.
14 At some point you were charged in the Southern
15 District of Florida, correct?
16 A Yes.
17 Q And you had several co-defendants in that case?
18 A Yes.
19 Q And some of them were actually from New York?
20 A I think they were all from New York.
21 Q So, for example, Ronnie One Arm, Ronnie Trucchio, he was
22 from New York, right?
23 A Yes.
24 Q You knew him?
25 A Yes.

1 Q You knew most of the people that were in that case,
2 right?
3 A Yes.
4 Q And they were arrested in December of 2003, does that
5 sound right?
6 A Yes.
7 Q And you had heard about their arrest, correct?
8 A Yes.
9 Q And did you believe to yourself that there was a
10 possibility that you could have been added to that indictment?
11 A They came and told me that they're trying to add me to
12 that indictment.
13 Q So you knew that before you were actually added to the
14 indictment?
15 A Yes.
16 Q You knew that it was a possibility?
17 A Yes.
18 Q Could be?
19 A Yes.
20 Q And then you were also -- withdrawn.
21 Did you -- before you were involved in the Southern
22 District of Florida case, did you become aware of the fact
23 that they were cooperating in some of the cases?
24 A Yes.
25 Q Somebody named James "Babyface" Kondrotos,

1 K-o-n-d-r-o-t-o-s.
2 A Joey Kondrotos. Never met him.
3 Q But you understood that he was a cooperator that was --
4 A Yes.
5 Q And Valentino Nucci, N-u-c-c-i?
6 A I didn't find out about him until I got to the jail.
7 Q Until you got to the jail in Florida?
8 A Florida.
9 Q Now, there came a point in time when you were indicted in
10 the Southern District case, Southern District of Florida case,
11 right?
12 A Yes.
13 Q And you ultimately surrendered on that case, right?
14 A Yes.
15 Q Were you -- did you become aware that the Southern
16 District of Florida had referred to you as the fugitive?
17 A Not to my knowledge.
18 Q You never knew that. So it's your position that you just
19 were indicted and surrendered?
20 A I surrendered who weeks later.
21 Q So there was a period of time where you knew about the
22 indictment, but you didn't surrender?
23 A Yes.
24 Q Were you hiding out at that time?
25 A No.

1 Q What were you doing?
2 A I was living in my house in Wellington, Florida.
3 Q You just decided I'll deal with that another day?
4 A I just decided that I'll get all my ducks in order
5 because I was still a very active criminal.
6 Q So what do you mean by that, you were going to get all
7 your ducks in order before you surrendered?
8 A Well, I was going to make sure my family was all right.
9 I was going to make sure my money was still flowing in.
10 Q Right.
11 A And then I was going to go surrender.
12 Q So you were going to try to keep your illegal businesses
13 operating so that --
14 A Every single waking hour that I possibly could. I mean,
15 I'm making money.
16 Q Right. So you said to yourself, I'll deal with this
17 another day. Let me make sure my money is coming in, my
18 illegal operations are going on?
19 A Exactly.
20 Q When I'm sitting in the can, at least I have some money.
21 A At least my family is all right because I know my friends
22 weren't going to provide.
23 Q Okay. All right.
24 And then, ultimately, did you, yourself, walk in and
25 surrender, is that how it worked?

1 A A lawyer walked me in.
2 Q But the FBI didn't knock on your door?
3 A In Wellington, Florida?
4 Q Yes.
5 A Not to my knowledge.
6 Q And then in that case you were detained, correct?
7 A Yes.
8 Q There was a bail application, correct?
9 A No bail.
10 Q No bail application?
11 A There was no bail.
12 Q There was no bail?
13 A Denied bail.
14 Q There was an application for you to be released and it
15 was denied?
16 A Yes.
17 Q The judge found that you were a danger to the community?
18 A Yes.
19 Q And the government in that case argued that you were a
20 danger?
21 MS. ARGENTIERI: Objection.
22 THE COURT: Sidebar.
23 (The following takes place at sidebar.)
24 (Continued on the following page.)
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1 THE COURT: I'm not sure this is an appropriate use
2 of judicial time. I don't know what your argument is.
3 MS. ARGENTIERI: I think it's hearsay in what the
4 government said.
5 MS. MACEDONIO: I think it's -- I can move on.
6 MS. ARGENTIERI: Why do you need that?
7 MS. MACEDONIO: Okay.
8 THE COURT: Okay.
9 (Sidebar concluded.)
10 (Continued on the following page.)
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1 (In open court.)
2 CROSS-EXAMINATION
3 BY MS. MACEDONIO: (Continuing)
4 Q When you were prosecuted in the Southern District of
5 Florida, that was the United States Attorney's Office,
6 correct?
7 A Yes.
8 Q It was a federal case, right?
9 A Yes.
10 Q Brought by the United States of America?
11 A Yes.
12 Q Now, you had plenty of time to review the Southern
13 District of Florida indictment, correct?
14 A In 2003 I was, yes.
15 Q Right. You read it, right, reviewed it?
16 As you were deciding what you were going to do,
17 weighing out your options you reviewed the indictment,
18 correct?
19 A I didn't see the indictment, a copy of the indictment
20 until I surrendered.
21 Q But there was a period of time before you surrendered
22 and -- after you surrendered, but before you plead guilty that
23 you had the indictment, right?
24 A Yes.
25 Q And you were deciding what you were going to do, correct?

A Yes.
Q And in that indictment is it true, sir, that you were charged as being in Ronnie One Arm's crew?
A That I was operating with guys in his crew.
Q That you were -- that you were a member of Ronnie's crew. That's what was charged?
A Well, that's what they charged. I'm not absolutely sure about that. I haven't seen the indictment in a lot of years.
Q Would you like to see it?
A If you'd like to show me.
MS. MACEDONIO: Sure. This is 3500 PZ-1.
MS. ARGENTIERI: Judge, can we have a sidebar?
THE COURT: Yes.
(Sidebar held.)
(Continued on the following page.)

1 MS. ARGENTIERI: I don't think he said he didn't
2 remember. I think he said like he wasn't sure. Like I just
3 don't understand why we are showing him the indictment. I
4 don't really have a problem with it. I think I will say the
5 indictment is very confusing.
6 Have you read this?
7 MS. MACEDONIO: I sure have.
8 MS. ARGENTIERI: So I'm just not sure.
9 THE COURT: I think Ms. Macedonio had asked if you
10 were cooperating with --
11 MS. MACEDONIO: As being a member of Ronnie One
12 Arm's crew?
13 THE COURT: And he said something like I think so.
14 MS. MACEDONIO: He said something like I don't
15 remember.
16 MS. ARGENTIERI: I think he said I don't think so.
17 I don't know. Okay. I'm sorry.
18 MS. FERRONE: I think he said I was charged with
19 acting with others in the crew.
20 THE COURT: Acting with others in the crew.
21 MS. FERRONE: In the crew, yeah.
22 THE COURT: Actually, that doesn't really require
23 looking at the indictment.
24 MS. MACEDONIO: I've been so careful after the last
25 witness as to making sure he said he didn't remember before

1 asking him if I wanted to refresh his recollection that I
2 thought I was correct in doing it, but you can read it back if
3 you want. Should I have it read back?
4 THE COURT: If you want.
5 Would you go back and read back Ms. Macedonio's
6 last question, second or third to the last question to the
7 witness before we came to sidebar.
8 We're just going to proceed.
9 (Sidebar concluded.)
10 (Continued on the following page.)
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1 CROSS-EXAMINATION
2 BY MS. MACEDONIO: (Continued)
3 Q Mr. Zuccaro, I'm going to ask you some more general
4 questions about the Southern District of Florida indictment,
5 okay?
6 A Yes.
7 Q At the time you reviewed it, correct?
8 A Yes.
9 Q And you were -- you had time to read it, you understood
10 it, you went over it with your lawyer, correct?
11 A Yes.
12 Q And isn't it true that there were some things that were
13 charged in the indictment that were inaccurate?
14 A What do you mean by that?
15 Q In other words, they were incorrect. You were charged
16 with things that you --
17 A Like what things?
18 Q Okay. We'll now -- we'll get more specific.
19 Did you operate under Ronnie One Arm's control?
20 A No.
21 Q So if that's in the indictment, it's incorrect?
22 A I was never directly with Ronnie. Ronnie was a friend of
23 mine. I was with Iggy Alonga.
24 Q Did Ronnie One Arm supervise you?
25 A No.

1 Q So if that's in the indictment, it's incorrect, right?
2 A He supervised the kids that I got involved with.
3 Q I'm asking if he supervised you.
4 A Directly. Never.
5 Q So if that's charged in the indictment, then it's
6 inaccurate?
7 A I don't know if it was charged in the indictment. I know
8 that it was charged that he operated the Young Guns Crew. I
9 committed some crimes with them.
10 Q Well, do you just not remember?
11 A What do you mean I don't remember?
12 Q As to what was -- what you were charged with in the
13 indictment?
14 A Well, that's 2003. I don't remember every word that was
15 in that indictment.
16 Q Okay. Again, now would you like to see it?
17 THE COURT: Why don't you ask specific questions. I
18 think he's been able to respond to this.
19 MS. MACEDONIO: Okay.
20 Q Did you ever receive any money from criminal -- for
21 criminal acts -- within.
22 The criminal -- the individuals that were charged in
23 that indictment, you didn't really have any association with
24 them, did you?
25 A I made money with some of them.

1 Q You made money with some of them?
2 A Yes.
3 Q Did you receive money from stuff that they actually did?
4 A No.
5 Q No?
6 And if that was in the indictment, then it's
7 incorrect, right?
8 A I don't know if that's in the indictment.
9 Q But I'm saying I know -- that's not the question. The
10 question is --
11 MS. ARGENTIERI: Judge, I object.
12 A I don't know what's in the indictment.
13 THE COURT: Sidebar.
14 (Sidebar held.)
15 (Continued on the following page.)
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1 MS. ARGENTIERI: I'm sorry. If the purpose of this
2 is to show that sometimes the government gets it wrong.
3 THE COURT: That's what I was wondering.
4 MS. ARGENTIERI: Can I put in all the people that
5 have been properly convicted, I mean.
6 THE COURT: Lets not do it for that purpose.
7 MS. MACEDONIO: I'm not trying to be difficult about
8 it. I thought I was making it easier. I was asking him very
9 specific questions.
10 THE COURT: I know, but it's clear that you've made
11 the point. Done.
12 MS. MACEDONIO: Got it.
13 (Sidebar concluded.)
14 (Continued on the following page.)
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1 Q When you began cooperating with the government, you said
2 that you first told them all about yourself; is that right?
3 A Yes.
4 Q And then you said you told them all about people you had
5 had some affiliation with, correct?
6 A No. I said that I told them about everything I -- the
7 people I did it with.
8 Q Okay. And that's the same thing, isn't it? I mean, you
9 had an affiliation with them. You did something with them,
10 right?
11 A Some of them were close friends.
12 Q Okay. That would be an affiliation, right? Whether it's
13 a close friend or someone you really didn't know, someone you
14 knew?
15 A Someone I knew.
16 Q Okay. And you were trying to give them all the
17 information that you had, is that fair to say?
18 A Yes.
19 Q And there were some things also that you wanted to clear
20 up; is that fair to say?
21 A Yes.
22 Q So, for example, someone had made an allegation that you
23 had thrown a grenade into Charlie Carneglia's home, but that
24 wasn't true, right?
25 MS. ARGENTIERI: Objection.

1 A I never heard that.
2 THE COURT: Yes. Please don't answer the question.
3 If you want to pursue it, we'll talk at sidebar.
4 MS. MACEDONIO: It's okay, Judge.
5 Q Ultimately, you made a decision in the Southern District
6 of Florida to plead guilty, correct?
7 A Yes.
8 Q What did you plead guilty to?
9 A Racketeering.
10 Q And what was the actual crime that you pled guilty to?
11 A The predicate?
12 Q Yes.
13 A Kidnapping.
14 Q Who did you kidnap?
15 A A gentleman from Long Island named David -- I forget his
16 last name.
17 Q Okay. And what -- why did you kidnap David?
18 A I was asked to kidnap him because he beat Larry Brown out
19 of his company when he had to go on the run, to make him sign
20 the papers to give him his company back.
21 Q So as part of your Southern District of Florida
22 indictment, you pled guilty to kidnapping, right?
23 A Yes.
24 Q And you had kidnapped a man and what did you do with him?
25 A I pretty much threatened him really good to make him sign

1 those papers and he signed them.
2 Q Walk me through it. How did you kidnap him?
3 A Came out of the IHOP on 106, 107. I threw him in a van
4 and took him with me.
5 Q Were you driving the van?
6 A No.
7 Q So there were other people involved?
8 A Yes.
9 Q Had you stolen that van?
10 A Yes.
11 Q This was something planned out, right? You didn't
12 stumble upon it?
13 A Absolutely.
14 Q And so someone had asked you to kidnap him because why?
15 A He beat a guy for his business. A guy that he was
16 partners with had to go on the run, and what happened was when
17 the guy returned, he didn't want to acknowledge that he was
18 his partner anymore.
19 Q Who was the guy?
20 A The guy that he beat?
21 Q Yes.
22 A Larry Brown.
23 Q So why were you involved in Larry Brown's business?
24 A Chris Trotta came to me and asked me to help out, that if
25 it works out, I would get a percentage of the building

1 management business they had.
2 Q So you and some other people grabbed this individual?
3 A Val Nucci, myself and Raymond Bell.
4 Q Three of you, right?
5 A Three.
6 Q Two and you, right?
7 A (Witness nods.)
8 Q And so you went out to Long Island, right?
9 A Yes.
10 Q After having planned this?
11 A Yes.
12 Q You knew the guy was going to be there, right?
13 A Yes.
14 Q And you threw him in the back of a van, right? And then
15 where did you take him?
16 A Took him to Larry Brown's house.
17 Q And you did -- where is Larry Brown's house?
18 A In Maspeth.
19 Q In Maspeth, Queens?
20 A Yes.
21 Q Did you blindfold him?
22 A I didn't have to blindfold him. I had him face down in
23 the back seat in a rug.
24 Q The entire time?
25 A Yes.

1 Q You weren't actually in the car, were you?
2 A No.
3 Q You were in another car?
4 A Yes.
5 Q A crash car?
6 A Yes.
7 Q So tell us what a crash car is. What's the crash car?
8 A So police don't apprehend the people that are in the car
9 with the victim.
10 Q So if the van gets pulled over with the victim, you were
11 going to get in the middle of it so that there would be a
12 distraction?
13 A And they can get away.
14 Q It was another part of the plan, right?
15 A Right.
16 (Continued on the following page.)
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1 CROSS-EXAMINATION (Continued)
2 BY MS. MACEDONIO:
3 Q Now, the victim in this case is brought to the basement
4 of a house in Maspeth, Queens?
5 A Yes.
6 Q Was he beaten?
7 A No.
8 Q You kind of hesitated. Was he hit?
9 A Well, I just put pruning shears over his fingers.
10 Q Right?
11 A I told him I was going to cut his fingers off until he
12 signed the papers. He signed them right away.
13 Q Well, for fear of losing his fingers and not being able
14 to.
15 A Yes, big time fear.
16 Q Here's the pen. Sign the document or you're not going
17 to be able to sign anything anymore.
18 A Right, I'm gonna cut your fingers off.
19 Q And the plan that you had devised worked out for
20 whoever's business it was, he was getting half of his
21 business; is that right?
22 A Yes.
23 Q Then what did you do with the victim?
24 A Let him go.
25 Q You just opened up the door and said: See you later,

1 have a nice day?
2 A Drove him back to -- either it was Douglaston, Queens
3 or the borderline of Nassau and Queens.
4 Q You drove him home?
5 A No.
6 Q You just dropped him --
7 A He lived up the block from the restaurant we kidnapped
8 him at.
9 Q Dropped him off, have a nice day?
10 A See you later.
11 Q See you later. Did you end up getting any percentage
12 of the business?
13 A Nothing, not a dollar, just a lot of problems.
14 Q Clearly.
15 A Just a lot of problems.
16 Q That was a life alterer, that one; right?
17 A Yes.
18 Q Then, ultimately, you're sentenced in the Southern
19 District of Florida; right?
20 A Yes.
21 Q And that was in January of 2005?
22 A I don't know. I don't think it was 2005.
23 Q When do you think it was?
24 A January 2005? It might have been January 2005.
25 Q January 14, 2005?

1 A It might have been, yes.
2 Q You were sentenced to a term of 46 months
3 incarceration?
4 A Yes.
5 Q And that was just for that RICO that you had been
6 charged with; right?
7 A Yes.
8 Q Had nothing to do with anything else, no other crimes;
9 right? In other words, none of the other murders that we've
10 discussed here today, that had nothing to do with that, that
11 just that RICO that involved the kidnapping?
12 A Did you say the murders we discussed yesterday?
13 Q No, I said today.
14 A Oh, today. Those murders weren't in there.
15 Q That was just for that kidnapping, the 46 months.
16 A Yeah.
17 Q And you were also sentenced to three years supervised
18 release on that. Do you remember that?
19 A Yes.
20 Q You talked a little bit about before you surrendered
21 trying to get your business in order so that your family
22 could have money while you were away?
23 A Yes.
24 Q Was part of that business the marijuana business?
25 A Yes.

1 Q And was part of that in Pennsylvania?
2 A No.
3 Q No? What was in Pennsylvania that you needed to go to?
4 A Pennsylvania?
5 Q Yes. At your sentencing, do you recall the judge --
6 your lawyer asking the judge for you to be able to travel to
7 Pennsylvania for business purposes?
8 A Don't remember that.
9 Q You don't recall that?
10 A No.
11 MS. MACEDONIO: Judge, may I approach the witness?
12 THE COURT: Yes.
13 Q Mr. Zuccaro, I'm showing you 3500-PZ-1C. Do you see
14 that, sir?
15 A Yes, I remember that.
16 Q Why did you need to be able to travel to Florida when
17 you were on supervised release?
18 A Pennsylvania.
19 Q Sorry. You're in Florida. Why did you need to travel
20 to Pennsylvania?
21 A I was selling catalytic converters.
22 Q So, it had nothing to do with your marijuana business.
23 A No. It was a legitimate business.
24 Q The catalytic converters that -- you were funneling the
25 marijuana proceeds through; right?

1 A Yes.
2 Q You say it was a legitimate business, but it was
3 started with illegal proceeds; right?
4 A Yes.
5 Q And then you were funneling illegal proceeds through
6 it; right?
7 A Yes.
8 Q So, you were laundering your illegal money through what
9 you call the legitimate business?
10 A Yes, exactly.
11 Q So while you say -- in other words, you were at your
12 sentencing setting up the ability for you to be able to
13 travel to Pennsylvania, right, so that you could continue to
14 commit cries; right?
15 A Exactly.
16 Q While you were on supervised release.
17 A Exactly. I was a criminal. That's what I did.
18 Q Understood. So, you were sentenced in January 2005 in
19 the Southern District of Florida, and then in March of 2005
20 you learned that you had been indicted in the Eastern
21 District of New York here in Brooklyn; right?
22 A I wasn't indicted in Brooklyn, I was indicted in
23 Central Islip.
24 Q Still the Eastern District of New York; right?
25 A Yes.

1 Q And when you were in the Southern District of Florida,
2 did you understand that the FBI from New York was involved
3 in that case?
4 A I didn't know who was involved while I was in Florida.
5 Q You didn't know which agencies were involved?
6 A No.
7 Q So, you didn't have an understanding that some of the
8 New York authorities had collaborated with the Florida
9 authorities --
10 MS. ARGENTIERI: Objection.
11 A I had no idea.
12 THE COURT: Sustained.
13 Q When you were indicted in the Eastern District of New
14 York on the second case, was that a surprise to you?
15 A No, not really. They already knew that I had
16 warehouses operating in Brooklyn that I was growing
17 marijuana in. I just didn't know they knew where they were.
18 Q You didn't realize the extent of their knowledge?
19 A No.
20 Q Okay. Now, when you arrived in New York, you
21 transported up, you weren't released; right?
22 A No, I was flown up on a plane.
23 Q Con Air?
24 A Yes.
25 Q What is Con Air?

1 A Marshal services prison transportation.
2 Q So, you were in prison in Florida and you were
3 transported to face your new charges in Central Islip;
4 correct?
5 A Yes.
6 Q And when you arrived here, you were again presented
7 with a new indictment; correct?
8 A Yes.
9 Q And you soon learned that you had a 20-year mandatory
10 minimum sentence on that new indictment; right?
11 A Yes.
12 Q And that was the minimum sentence; right?
13 A Yes.
14 Q In other words, you couldn't receive less than that.
15 A No.
16 Q And the maximum sentence was life; right?
17 A Yes.
18 Q And that would be on top of the 46 months you were
19 already doing from the Southern District of Florida;
20 correct?
21 A Yes.
22 Q So, you were looking at a mandatory minimum sentence of
23 24 years; right?
24 A Yes.
25 Q And at the time, you had two small children; right?

1 A Yes.
2 Q And you had elderly parents?
3 A Yes.
4 Q And you soon came to the rationalization that there was
5 only one way for you to get around the mandatory minimum
6 sentence; right?
7 A No.
8 Q You didn't understand that?
9 A No. I was going full speed ahead going to trial.
10 Q I'm not asking you about your motivation to cooperate,
11 I'm asking you about you knew the only way to get around the
12 mandatory minimum sentence was if you cooperated.
13 MS. ARGENTIERI: Objection.
14 A That wasn't a thought in my mind at the time.
15 THE COURT: Sustained.
16 Q So, you were transported up here, correct, and
17 ultimately you end up in the Nassau County Jail that we
18 talked about?
19 A First I was in MDC Brooklyn.
20 Q Right.
21 A And Johnny Burke and Tony Green grabbed me and told me
22 that Charles just left there and he left some bad words
23 about me.
24 Q Okay.
25 A He rat wired on me, that I was cooperating with the

1 Government. Then I was put in Nassau County jail.
2 Q And you had been friends with Charlie Coniglia for a
3 long time; right?
4 A Practically my whole life.
5 Q And you talked about this bad business deal that you
6 had with the marijuana from Texas, but before that the two
7 of you were extremely close; were you not?
8 A We had a rocky relationship, up and down, but we were
9 all right, I guess.
10 Q He was best man at your wedding; wasn't he?
11 A Yes.
12 Q And somebody that you knew from you from childhood?
13 A Yes.
14 Q You had committed numerous crimes with him; right?
15 A I would say yes.
16 Q And now here's Charlie Coniglia telling people you were
17 a rat and you weren't; correct?
18 A Exactly.
19 Q And he was causing all sorts of problems for you in
20 jail; right?
21 A Yes.
22 Q And these problems even trickled down to your wife when
23 she was on line to see you in jail; right?
24 A Yes.
25 Q And what else was going on -- correct me if I'm

1 wrong -- is your friends were stealing the business that you
2 had set up.
3 A Yes.
4 Q So, while you were talking about making sure everyone
5 was going to be okay, before long that plan wasn't working
6 out; right?
7 A No.
8 Q People were stealing your money; right?
9 A Yes.
10 Q People were telling other people don't buy the
11 converters from your business; right?
12 A No. They were pretty much trying to circumvent the
13 converters that I was getting to their business.
14 Q So, they were saying not to sell them, not to buy them?
15 A No, the end of selling them, I had that.
16 Q Okay.
17 A That was no problem selling. Gathering them was the
18 problem.
19 Q So, essentially cutting ing off your business.
20 A Yes.
21 Q Trying to take it over in a different business?
22 A I don't know if they could have took it over. I know
23 they were robbing a lot of money on me.
24 Q Do you remember testifying before that people were just
25 abusing you?

1 A Yes.
2 Q And you just weren't getting any kind of respect?
3 A Yes.
4 Q And you were very angry at Charlie Coniglia for this;
5 weren't you?
6 A I was angry about the rat wire. Money I could have
7 taken care of, but that's what really got me, putting a rat
8 wire on me in a situation where I was going to penitentiary
9 for the rest of my life, walking around with that wire on
10 me.
11 Q That would have caused significant problems for you;
12 right?
13 A Just wouldn't have been good.
14 Q And you were already having fights at the Nassau County
15 Jail; right?
16 A Yes.
17 Q Do you remember testifying that Charlie Coniglia
18 putting this rat wire on you was a big mistake?
19 A Yes, he shouldn't have done that. He should have took
20 my back.
21 Q And, so, according to your testimony, Mr. Zuccaro, that
22 was the motivating factor in your decision to cooperate;
23 right?
24 A That was one of the motivating factors amongst many.
25 Q What were the others?

1 A Like you just said, my friends stealing my money,
2 abusing my family.
3 Q Right.
4 A Not a good thing.
5 Q Okay. So, you made a decision, ultimately, that was
6 for your benefit; right?
7 A I made a decision for my -- for me, exactly, one
8 thousand percent for me.
9 Q That's self-preservation.
10 A Finally. Self-preservation, I couldn't have put it any
11 better.
12 Q And prior to your cooperation, you told two people
13 about it; right?
14 A What's that?
15 Q You decided that you were going to tell two people
16 about it. Did you tell Harry Taylor about the idea that you
17 were going to cooperate?
18 A I let them know that I was going to cooperate.
19 Q Harry and Joey?
20 A Iorio, yes.
21 Q You let them know because, ultimately, you were going
22 to have to give information about them; right?
23 A I let them know because I was trying to be a man about
24 it and tell them: Look, bro, I'm done, I'm going to
25 cooperate. I'm throwing my hat in. Do whatever yous like,

1 this is what's going to go down.
2 Q But those two men were charged in your Central Islip
3 case with you; right?
4 A Yes.
5 Q Okay. So, ultimately, you arrive in the Eastern
6 District of New York and you're arraigned in March 2010;
7 right?
8 A Yes.
9 Q And then you decide to cooperate very soon thereafter;
10 right?
11 A It was about four months later.
12 Q You didn't meet with the U.S. Attorney's Office in May
13 of 2005?
14 A Yeah, about four months.
15 Q I think I misstated something. I may have said you
16 were arraigned in 2010. It was actually 2005; right?
17 A Yes.
18 Q So, that's March 2005, and then in May of 2005 you're
19 already in the U.S. Attorney's Office; right?
20 A Yes.
21 Q You've been around the criminal justice system your
22 entire life; fair to say?
23 A Yes.
24 Q And before you started to cooperate, you had been
25 arrested several times; right?

1 A Yes.
2 Q In fact, you had been in jail for most of the 80s;
3 correct?
4 A Yes.
5 Q And throughout your life, you learned that cooperators
6 receive lesser sentences; fair to say?
7 A I learned that the Government will write a 5(k)(1)
8 letter for me.
9 Q But it's your understanding that people that cooperated
10 would -- through the benefit of that 5K letter --
11 A Not everybody gets a good deal.
12 Q I want you to listen to my question. I'm not asking
13 about a particular person's sentence or whether you think
14 somebody is getting a good deal. It was your understanding
15 that cooperators, in general, received lesser sentences than
16 they would have received if they went to trial and lost.
17 A Yes.
18 Q In fact, there had been a number of people who
19 cooperated against you in the trial that was here in
20 Brooklyn; right, the armored car trial?
21 A Who cooperated against me? I don't know if anybody
22 cooperated against me in Brooklyn.
23 Q Okay. So, that was just a trial where you lost; right?
24 A Yes.
25 Q That was here in this building?

A No.
Q No?
A It was in the old building.
Q The other part of the courthouse in front of Judge Nickerson?
A Yes.
Q And before you decided to cooperate, you knew that an individual named Sal Vitale was cooperating; right?
MS. ARGENTIERI: Objection.
A Yes.
THE COURT: Sidebar.
(Continued on next page.)

(The following occurred at sidebar.)

MS. ARGENTIERI: I'm really objecting to the next question. I think it's fair to ask him what he hoped to get, did he think he got a benefit. Are we going to start getting into asking him about --

THE COURT: You're not getting into Vitale's sentence, are you?

MS. MACEDONIO: No.

THE COURT: Okay.

(Continued on next page.)

1 (In open court; sidebar ends.)
2 BY MS. MACEDONIO:
3 Q You understood that had Sal Vitale had cooperated;
4 correct?
5 A Yes.
6 Q And you knew that Joseph Massino was cooperating;
7 correct?
8 A Yes.
9 Q And at the time, was it your understanding that the
10 Mr. Massino was the boss of the Bonanno crime family?
11 A Yes.
12 Q And you knew that Mr. Vitale was responsible for
13 murdering several people; right?
14 A I didn't know Sal's business.
15 Q Was that your understanding?
16 MS. ARGENTIERI: Objection, asked and answered.
17 A Didn't know what he was charged with. I knew he was
18 the underboss, I knew he was Joe's brother-in-law.
19 Q How about Joe Massino, was it your understanding that
20 he was responsible for killing a lot of people?
21 A Yes.
22 Q Because he was found guilty of that, right, before you
23 started to cooperate?
24 A Yes.
25 Q You testified that when you began to cooperate with the

1 Government that you shared information with them that you
2 didn't think that they already had; right?
3 A What do you mean?
4 Q You testified about a homicide in the '70s. You had
5 never been charged with that; right?
6 A Right.
7 Q But you shared that with the FBI.
8 A Yes.
9 Q Then there was the murder of Johnny Gebhart. You had
10 never been charged with that; right?
11 A Never.
12 Q With respect to the Johnny Gebhart murder, you knew the
13 FBI was investigating that; did you not, sir?
14 A I didn't know who was investigating it.
15 Q But you knew there was an investigation.
16 A I knew there was an investigation, I didn't know who
17 was investigating.
18 Q Had John Burke told you while he was at the MDC that he
19 had received a grand jury subpoena with regard to the
20 Gebhart murder?
21 A He just told me he had received a subpoena for the
22 grand jury under Robert Heenok (phonetic). He didn't get
23 into particulars. I don't even think he knew what the grand
24 jury was about at the time.
25 Q Didn't he tell you in response to questions about the

1 Gebhart murder he was going to try to blame your brother
2 Steven?
3 A Yes, that was a couple of days later.
4 Q Tell us what happened.
5 A I told him: Don't do that. You're going to put the
6 heat on me and my brother. What are you doing?
7 Q Okay.
8 A My brother was already dead and that would have just
9 put the heat on me.
10 Q Okay.
11 A Just hold your tongue, I told him, and relax.
12 Q So, this was prior to you cooperating; right?
13 A Yes.
14 Q And a similar situation -- withdrawn.
15 So, you had an understanding before you decided to
16 cooperate that there was an investigation going on with
17 respect to the Johnny Gebhart murder; right?
18 A Yes.
19 Q And with respect to the murder of Setimo Fafia, there
20 had been an arrest in that case; correct?
21 A I don't know if anybody was charged.
22 Q Right. At one point, Frank Bocio -- am I saying that
23 right?
24 A Bocia.
25 Q He was arrested for that, right?

1 A There was a couple of guys arrested for it, but they
2 weren't arrested for that, they were just apprehended and
3 held because they were driving in a car that got a ticket a
4 couple blocks from the murder scene about ten minutes later.
5 Q Was it your understanding that law enforcement was
6 investigating the murder of Setimo Fafia?
7 A Of course they were investigating.
8 Q Of course they were. It was a homicide. You left him
9 right in his driveway; right?
10 A In the front of his house.
11 Q Right in front of his house for his family to find him;
12 right?
13 A Yes.
14 Q So, of course, there was an investigation going on;
15 right?
16 A Yes.
17 Q The same is true with respect to the murder of Johnny
18 Gebhart; right?
19 A Yes.
20 Q He was murdered in a public place; right?
21 A Yes.
22 Q So, when you began cooperating with the Eastern
23 District of New York, you tell them this information; right?
24 A Yes.
25 Q And even if they didn't have all of the evidence, you

1 understood there were investigations going on; right?
2 A Yes.
3 Q And, so, in going in, you knew that you were going to
4 have to tell them this stuff; right?
5 A When I started cooperating?
6 Q Yes.
7 A Yes.
8 Q Okay. And you began meeting intensely with the
9 Government; correct?
10 A I don't know what you mean by "intensely."
11 Q You met with them often?
12 A Yes.
13 Q Is that a better word? Did you meet with them -- how
14 many times would you say you met with them before you signed
15 your cooperation agreement?
16 A I've never really counted. A lot of times.
17 Q I'm sorry?
18 A A lot of times.
19 Q Spent a lot of hours talking to agents of law
20 enforcement; right?
21 A Did a lot of talking.
22 Q A lot of talking with the FBI; right?
23 A Yes.
24 Q A lot of talking with the United States Attorney's
25 Office; right?

1 A Yes.
2 Q Sometimes you would meet at the United States
3 Attorney's Office; right, at least in the beginning?
4 A Yes.
5 Q And then later on, you would discuss things over the
6 telephone; right?
7 A I don't know if I discussed anything over the
8 telephone.
9 Q Never had a telephone --
10 A I might have had a conversation on the phone, but I
11 don't know what was entailed.
12 Q And sometimes you met in various locations; is that
13 correct?
14 A Yes.
15 Q So, is it fair to say you spent hundreds of hours being
16 debriefed?
17 A I would say that would be fair.
18 Q All right. And you met with a number of different law
19 enforcement agencies. For example, you met with the NYPD;
20 right?
21 A Who?
22 Q NYPD?
23 A Yes.
24 Q And when you began meeting with them, you signed a
25 proffer agreement; do you remember that?

1 A Yes.
2 Q You've referred to it as a queen-for-a-day letter;
3 right?
4 A Yes.
5 Q And when you're being debriefed, you're trying to be as
6 complete as possible; right?
7 A Yes.
8 Q But we're talking about essentially a lifetime of
9 crime; fair to say?
10 A Yes.
11 Q So, there would be times when you would meet with the
12 agents, go back to wherever it was you were living, and then
13 come back and say: Last time I was here, I forgot to tell
14 you X, Y, and Z. Do you remember those occasions?
15 A I would forget names then remember, yeah, certain
16 things like that because I'm talking about thirty, forty
17 years of criminal activity.
18 Q Understood. So, you had ample opportunity to come back
19 to the FBI and say hey, forgot to tell you about this
20 forgot, to tell you about that; right?
21 A Yes.
22 Q And you were debriefed originally -- originally when
23 you started to be debriefed, you were being debriefed often;
24 right? So, in 2005, you were meeting with them regularly;
25 correct?

1 A Yes.
2 Q And then in 2006, the same thing, right?
3 A Yes.
4 Q And you signed your cooperation agreement, and as the
5 years go on you're meeting with them less and less; fair to
6 say?
7 A I think I signed a cooperation agreement first.
8 Q Before you what?
9 A Queen-for-the-day letter was cooperation agreement, no?
10 Q The queen-for-a-day letter is the proffer agreement;
11 right?
12 A Yes.
13 Q Then your cooperation agreement actually comes later;
14 correct?
15 A Okay.
16 Q So, the cooperation agreement is a culmination after
17 everything that -- after you've been debriefed and you've
18 told them everything that you know and you've come back to
19 them and added details and finally sign your cooperation
20 agreement; right?
21 A Yes.
22 Q And then you plead guilty; correct?
23 A Yes.
24 Q Okay. But my point, sir, is when you signed your
25 cooperation agreement and pled guilty, you had met with them

1 many, many times; right?
2 A Yes.
3 Q And you tried to tell them everything that you knew.
4 You wanted to be accurate; right?
5 A I was trying to be as accurate as possible.
6 Q And then as the years went on, you met less and less
7 with them; correct?
8 A Yes.
9 Q You'd meet maybe if you were preparing for a trial;
10 right?
11 A Yes.
12 Q And it's fair to say that during your initial
13 debriefing period you discussed a lot of people; right?
14 A Yes.
15 Q And you discussed many crimes, right?
16 A Yes.
17 Q And the agents didn't prohibit you from telling them
18 anything; right? They didn't say we don't want to talk
19 about that; if you had something to tell them, you'd tell
20 them.
21 A Whatever I remembered, I told them at the time I
22 remembered. That's a lot of knowledge, a lot of
23 remembering.
24 THE COURT: Ms. Macedonio, is this a good time to
25 break?

MS. MACEDONIO: Sure.

THE COURT: Your lunch is here. Forty minutes, okay?

(Jury exits.)

THE COURT: Just for planning purposes, I know you plan to fill today. How many hours do you think we'll go tomorrow?

MS. ARGENTIERI: I would say five, judge, four or five.

THE COURT: My question is, it would probably be a kindness to let the jury come in one hour later, but I don't want to interfere with preparation needs.

MS. ARGENTIERI: That's fine.

MS. MACEDONIO: I hate to be the squeaky wheel.

THE COURT: That's all right.

MS. MACEDONIO: I prefer to keep this schedule.

THE COURT: Okay, we'll keep the hour, that's fine.

(Luncheon recess taken.)

1 A F T E R N O O N S E S S I O N
2
3 1:53 p.m.
4 (Jury enters.)
5 THE COURT: Please be seated.
6 Ms. Macedonio?
7 MS. MACEDONIO: Thank you, your Honor.
8 CROSS-EXAMINATION (continued)
9 BY MS. MACEDONIO:
10 Q Mr. Zuccaro, when we broke, we were talking about the
11 terms of your cooperation; do you remember that?
12 A Yes.
13 Q And is it accurate to say that as part of your
14 cooperation agreement, if the Government wants you to
15 testify at a proceeding you're obligated to do so?
16 A Yes.
17 Q And if you don't testify at a proceeding that the
18 Government wants you to, you'd be in violation of your
19 agreement; right?
20 A Yes.
21 Q And they could prosecute you for crimes that you've
22 disclosed to them; is that correct?
23 A Yes.
24 Q Now, in conjunction with your cooperation agreement,
25 you've pled guilty to two counts of murder; right?

1 A Yes.
2 Q Those have a mandatory life sentence?
3 A I don't know if it's mandatory life.
4 Q Well, you didn't get a life sentence; right?
5 A No.
6 Q And you also pled guilty to narcotics distribution;
7 right?
8 A Yes.
9 Q And that was 20 to life, mandatory minimum of 20;
10 right?
11 A Yes.
12 Q You also pled guilty to money laundering; right?
13 A Yes.
14 Q And all of those counts could run consecutively; in
15 other words, one right on top of the other.
16 A Yes.
17 Q And you understand that there's no parole in the
18 federal system; right?
19 A Yes.
20 Q So, whatever your sentence is, it is; right?
21 A Yes.
22 Q But you pled guilty to a cooperation agreement in which
23 you expected to get a 5K letter; right?
24 A Yes.
25 Q And ultimately you did get the 5K letter; did you not,

1 sir?
2 A Yes, I did.
3 Q If there were any mandatory minimum sentences, those no
4 longer necessarily apply; correct?
5 A Yes.
6 Q The judge could sentence you to whatever she wanted;
7 right?
8 A Downward departure.
9 Q Right. In other words, she then has the authority to
10 sentence you to whatever she deems appropriate; right?
11 A Yes.
12 Q And you ended up with a sentence of eight years,
13 roughly?
14 A I would say so, yes.
15 Q And you had already been sentenced to 46 months in
16 Florida; right?
17 A Yes.
18 Q So, it's a total of eight years for both of the cases;
19 right?
20 A Yes.
21 Q And for all of the crimes you had pled guilty to;
22 right?
23 A Yes.
24 Q And you got coverage for a whole bunch of other crimes;
25 fair to say?

1 A Yes.
2 Q In other words, you didn't plead guilty to every single
3 crime that you disclosed; right?
4 A Correct.
5 Q Now, as part of your sentence, you were sentenced to 10
6 years of supervised release; right?
7 A Yes.
8 Q And you're not in custody any longer; correct?
9 A No, I'm not.
10 Q And you haven't been in custody for years; right?
11 A Yes.
12 Q And that supervised release is still in effect; fair to
13 say?
14 A Yes.
15 Q And a special condition of your supervised release is
16 that you continue to cooperate with the Government; right.
17 A I don't know if that's in my supervised release. I
18 know it's in my cooperation agreement.
19 Q So, you understand one way or the other that you're
20 obligated to continue to cooperate; right?
21 A Yes.
22 Q And if you don't cooperate, you can go back to jail;
23 right?
24 A Yes.
25 Q Now, tell us a little bit as to why you decided to

1 become affiliated with organized crime.
2 A Why did I decide? It was a decision I made when I was
3 very young; 13, 14 years old, 15 years old, 16 years old.
4 Q Okay.
5 A Not one of my brighter decisions.
6 Q Were you enamored with the life?
7 A Yes.
8 Q You liked the flash of it?
9 A I liked everything about it; the danger, everything,
10 the money, the status.
11 Q And you have been involved in organized crime for a
12 very long time; right?
13 A Yes.
14 Q Is it fair to say that had it not been for the rat wire
15 you might still be involved in organized crime?
16 A Might be, yes.
17 Q Certainly you had no intention of cooperating before
18 that happened; right?
19 A No.
20 Q You told us you were going full steam ahead; right?
21 A Yes.
22 Q So, you would have continued down the path that you had
23 for so many years; fair to say?
24 A Yes.
25 Q But even within organized crime, you had the ability to

1 look out for yourself; fair to say?
2 A What do you mean?
3 Q In other words, there were a lot of rules in organized
4 crime; right?
5 A Yes.
6 Q One of the rules was you should kick up; right?
7 A Yes.
8 Q You didn't kick up; did you?
9 A Not all the time.
10 Q There were a lot of times when you didn't kick up;
11 right?
12 A A lot of times I didn't.
13 Q So, that was a general rule, that an associate was
14 supposed to kick up to the person that they were with;
15 right?
16 A Yes.
17 Q But you didn't; right?
18 A Yes.
19 Q In your experience, were there a lot of people who
20 didn't kick up?
21 A Yes.
22 Q There were a lot of people who broke the rules; right?
23 A Everybody broke the rules. Do as I say, not as I do.
24 Q I'm sorry?
25 A Do as I say, not as I do. Hypocritical, a little bit.

1 Q So, there's a whole set of rules that sort of come with
2 organized crime. For example, don't lie, that's one of
3 them; right?
4 A Don't lie? Don't lie to your guy.
5 Q Right. Certainly, if you're committing a crime you're
6 allowed to lie; right?
7 A Yeah.
8 Q But you're not supposed to lie to the person that
9 you're reporting to; right?
10 A Yes.
11 Q And in your experience, did that happen all the time,
12 that guys lied to the person they were reporting to?
13 A Yes. Bend the truth, you know.
14 Q And where money was involved --
15 A Mingle words. Go ahead, money?
16 Q I wanted you to be able to finish your answer.
17 A I finished.
18 Q When money was involved, that happened a lot; right,
19 lying?
20 A It happened a lot in a lot of situations.
21 Q Tell us about the type of situations that would happen.
22 A People might kill somebody and deny it.
23 Q Okay.
24 A Money.
25 Q Right.

1 A People that did something, dealing drugs; no, I'm not
2 dealing drugs. A lot of different things; deny, deny, deny.
3 Q Did people sometimes take credit for things that they
4 didn't do?
5 A Yes, they did.
6 Q Is one of the things that you liked about the mob or
7 organized crime this perceived loyalty of family first?
8 A Yes.
9 Q But that wasn't true, was it?
10 A Well, in the beginning it pretty much was true. But as
11 the years rolled on, kind of sort of seen what was going on
12 between the lines --
13 Q So, in other words --
14 A -- and it wasn't true, not at all.
15 Q So, this whole life that you sort of bought into, it
16 didn't really exist; did it?
17 A I would say that at one time it did exist; loyalty was
18 there, people were there for each other.
19 Q Right.
20 A And then I think greed pretty much took over.
21 Q Okay. And when you say greed took over, it meant that
22 people were just looking out for themselves?
23 A Yes.
24 Q And when you talk about loyalty, you were loyal to,
25 let's say, Charlie Carneglia, right?

1 A Yes.
2 Q But, yet, he turned his back on you, right?
3 A Yes.
4 Q And then, ultimately, when you are told we're going to
5 propose you, you said I don't even want it; right?
6 A Yes.
7 Q You say to yourself -- how old were you, 46?
8 A 45, 46.
9 Q This isn't what I expected. Keep it.
10 A I thought it was a little too late in life and I had
11 different aspirations of business.
12 Q You didn't want to kick up the money that you were
13 making; right?
14 A Well, that could have been a factor. There was a lot
15 of things. That was a factor.
16 Q But certainly, when you were a 14-, 15-year-old kid,
17 what you had experienced over the next 30 years, now flash
18 forward to when you're 45 years old, that wasn't the life
19 you envisioned; right?
20 A No.
21 Q When you signed your cooperation agreement, you got
22 coverage for crimes between 1979 and 2005. Does that sound
23 right to you?
24 A From 79 'til 2005?
25 Q Yeah.

1 A Yeah.
2 Q So, we're going to talk about some of the crimes you
3 committed during that time period; okay?
4 A Okay.
5 Q Tell us about truck hijackings between 1970 and 1980.
6 Do you have any recollection of those?
7 A Hijacked a lot of trucks.
8 Q Tell us what you did, just generally speaking, what you
9 specifically did.
10 A Jump up on the running board, rip the driver out of the
11 truck, put him in the car, drive the truck away, bring it to
12 a warehouse, unload it, and get rid of the truck.
13 Q Did you stick a gun in the driver's face?
14 A Yes.
15 Q So, we're talking about armed robberies; right?
16 A Yes.
17 Q Then the truck would be unloaded and you'd split up the
18 proceeds of the swag?
19 A I don't know about splitting it up. I know about
20 selling the load and splitting the money.
21 Q That's what mend meant, the proceeds from whatever you
22 had accomplished to steal; right?
23 A Yes.
24 Q So, you were involved in all of that; right? Not only
25 the hijacking, but selling the proceeds; right?

1 A Sometimes I sold the proceeds.
2 Q And, certainly, you got a lot of money from that?
3 A I don't know about a lot of money, but we made money.
4 Q You made money. It was not a fruitless thing that you
5 did, right, the hijackings?
6 A No.
7 Q Did you also get coverage for distributing heroin in
8 the late '70s, early '80s?
9 A Yes.
10 Q Tell us about that. What were you doing?
11 A Selling heroin.
12 Q Were you buying kilogram quantities of heroin?
13 A I was getting in the beginning ounces and quarter
14 pounds with Sally Polisi.
15 Q Sal Polisi?
16 A Polisi, yes.
17 Q Were you also buying heroin from Cheech's son?
18 A Yes.
19 Q How long were you selling heroin?
20 A I can't pinpoint how many years, but it went on for
21 years, couple years.
22 Q That was in addition to the truck hijacking?
23 A Yes.
24 Q So, was it profitable for you? Did you make a lot of
25 money?

1 A I made some money, but it wasn't profitable like big
2 time heroin dealer.
3 Q So, sort of something that you did it, you did it for a
4 number of years, but let's just say it wasn't the same as
5 your marijuana distribution.
6 A Absolutely not.
7 Q This was something you were selling -- I don't want to
8 say on the side; you were doing it, but it wasn't your main
9 staple.
10 A I was testing the waters.
11 Q Let's talk about the assault of Frank Pepitone. What
12 happened there?
13 A I stabbed him.
14 Q He slapped your brother John; right?
15 A I never had a brother John.
16 Q He slapped your brother?
17 A No.
18 Q What happened? Why were you stabbing him?
19 A He slapped my cousin.
20 Q Is your cousin John?
21 A Threw him out of a bar and jumped on him with a couple
22 of his friends.
23 Q So, you retaliated?
24 A Yes. Went there and stabbed him up real good.
25 Q You started stabbing him and just didn't stop?

1 A Well, it's not that I didn't stop, I did stop.
2 Q Okay. Somebody pull you off of him?
3 A No, I don't think so, I think I just walked away after
4 a I stabbed him up.
5 Q You stabbed him repeatedly; right?
6 A Yes.
7 Q You stabbed him in the back; right?
8 A Never.
9 Q Never?
10 A All front.
11 Q What happened to Mitchell Manfredi; remember this?
12 A Yes.
13 Q Tell us what happened.
14 A He was killed.
15 Q What happened?
16 A He had an ongoing beef with friends of mine and they
17 were trying to straighten it out with him. He was another
18 Johnny Gebert and pretty much was uncontrollable, a drug
19 dealer, drug user, and they couldn't stop the repeated
20 problems that he created. Threatened him a couple of times,
21 went to a meeting with him. They were walking around the
22 corner from my house talking --
23 Q Right.
24 A -- and he pulled a gun on 'em. They jumped on him, got
25 the gun away, killed him.

1 Q So when you're talking about "they," you're talking
2 about other members of organized crime?
3 A Yes.
4 Q And so what, if anything, did you have to do with that?
5 A I helped get rid of the body.
6 Q Did you witness the homicide?
7 A Yes. They choked him.
8 Q They choked him to death.
9 A Yes.
10 Q And how did you help them get rid of the body?
11 A Put it in the car, put it down the hole, and lit him on
12 fire.
13 Q And you didn't have to plead guilty to that; right?
14 A No.
15 Q Let's talk about your -- the robbery with your brother
16 Steven and Patsy. What happened there?
17 A They went and robbed some money out of the shredder.
18 There was a guard there, the guard stumbled upon them, and
19 they took him, killed him, and left him there.
20 Q So, is it a fact that your brother Steven and Patsy
21 were supposed to be bodyguards for Bobby Roselli?
22 A Yes.
23 Q And this was his company that they were guarding?
24 A Yes.
25 Q So, during the course of them acting as bodyguards,

1 they developed a plan to actually rob him instead; right?
2 A Yeah. Not good.
3 Q So, they wait 'til the business is closed; right?
4 A Yes.
5 Q They execute a plan to rob the place; right?
6 A Yes.
7 Q Unfortunately, a guard stumbled upon them; right?
8 A Yes.
9 Q And they kill him.
10 A They killed him.
11 Q And then they come home and tell you; right?
12 A Yes.
13 Q And --
14 A Well, they wouldn't come directly to me. The next day
15 they came.
16 Q Did they come to your mother's house?
17 A Yes.
18 Q Is that where you were living?
19 And you benefit financially from this; right?
20 A Yes.
21 Q You split the proceeds with them, you got $12,000?
22 A Yes.
23 Q Remember the Uvas?
24 A Uva.
25 Q Bonnie & Clyde, Rosemary and Tom Uva?

1 A Yes.
2 Q What happened to them?
3 A They were killed.
4 Q What was your involvement in that?
5 A I was told to find them.
6 Q Did you look for them?
7 A Yes. I couldn't find them.
8 Q You couldn't find them, right, but ultimately they were
9 found?
10 A Yes.
11 Q And did you help get rid of the bodies?
12 A No.
13 Q Nothing at all? So, you weren't an accessory after the
14 fact on that one?
15 A No.
16 Q Who is Mike Harrigan?
17 A Mike Harrigan was partners with Greg Reider, who
18 ultimately set Greg up to get killed.
19 Q Was Greg Reider a friend of yours?
20 A Yes.
21 Q And, so, what happened?
22 A Mike Harrigan got killed.
23 Q What was -- but what was the underlying problem?
24 A The underlying problem was that he didn't pay Greg the
25 $60,000 he owed him.

1 Q Okay.
2 A He went to TK --
3 Q Tommy Karate.
4 A Tommy Karate.
5 -- and they set Greg up and killed him.
6 Q So what, if anything, does this have to do with:
7 You're a prankster, not a gangster?
8 A TK called up Greg on the telephone. Greg didn't know
9 who he was. Greg told him on the phone, "You're a
10 prankster, not a gangster," and that was the wrong for him
11 to be doing to Tommy Karate.
12 Q So, let me see if I have this correct. Harrigan and
13 Tommy Karate had Reider killed because of that comment.
14 A No, it was basically Greg was pressuring Mike Harrigan,
15 Mike went to TK, TK called Greg up, tried to squash it.
16 Greg told him what he told him, "You're a prankster, not a
17 gangster," and that led up to his demise, amongst the
18 $60,000 that he owed.
19 Q Greg's demise.
20 A Yes.
21 Q Your friend Greg Reider.
22 A Yes.
23 Q And this angered you; right?
24 A It was my friend's son. Of course it angered me.
25 Q Sure. Right. Then did you begin stalking Harrigan?

1 A Yes, I did.
2 Q And you did that with Mike Reider?
3 A I didn't stalk him, I clocked him. I watched him.
4 Stalking is totally different.
5 Q Explain the difference to me.
6 A Stalking is, like, when you're stalking a woman or
7 something. That's, like --
8 Q That's creepy; right?
9 A Yeah.
10 Q What were you doing?
11 A I was setting him up to kill him.
12 Q Oh, that's different.
13 A A little different. It's not like victimizing a woman.
14 Q So, you were clocking; is that what you said?
15 A Yes.
16 Q What does that mean to you?
17 A What does it mean? I was setting him up to kill him.
18 Q When you say you were clocking --
19 A I was watching.
20 Q You were watching his moves?
21 A Yes.
22 Q So, you would know at 5 o'clock he goes to the
23 pizzeria, at 7 o'clock he goes home?
24 A Exactly.
25 Q You knew his routine?

1 A I knew his routine.
2 Q And what happened, did somebody get to Harrigan before
3 you?
4 A Yes.
5 Q So, you planned to kill him, you just didn't get the
6 opportunity?
7 A Yes.
8 Q You weren't fast enough.
9 A Well, I guess.
10 Q You talked a little bit about robberies and assaults.
11 So, is it fair to say that there's just too many of those
12 for us to go through?
13 A Excuse me?
14 Q You robbed a lot of people; right?
15 A Yes.
16 Q You talked about a cocaine dealer that you robbed. Is
17 it fair to say you robbed a lot of people?
18 A I robbed a lot of people, lot of things, lot of money.
19 Stole my whole life.
20 Q And some of those robberies were violent; right?
21 A Well, I never really tried to hurt anybody on a
22 robbery.
23 Q But if somebody resisted, you were going to do what you
24 were going to do; right?
25 A Yes.

1 Q You said you did this your whole life. So, there's
2 just too many for us to recount; right?
3 A Yes.
4 Q In fact, you probably wouldn't even remember all the
5 people you robbed; is that fair to say?
6 A Probably won't.
7 Q And the same with assaults, people that you just hit?
8 A I had a lot of fights in my life, yes.
9 Q Too many for us to go through; right?
10 A Yes.
11 MS. ARGENTIERI: Objection.
12 (Continued on next page.)
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1 (The following occurred at sidebar.)
2 THE COURT: You've done enough.
3 MS. MACEDONIO: I'm moving on.
4 THE COURT: Moving right on, but don't use the
5 phrase again.
6 MS. ARGENTIERI: My other objection I'm going to
7 raise, rather than walk back and forth, is a 608(b)
8 objection. I think none of this really goes to his
9 credibility; it's not fraud, he's not lying about it. I
10 think we've established that he's engaged in violence --
11 THE COURT: Well, I don't have a problem to some
12 extent. It's getting extreme. I don't have a problem with
13 you painting him --
14 MS. MACEDONIO: I was trying to shortcut it with
15 the too-many-to-count routine, but...
16 THE COURT: It's not a good routine. I don't
17 think with this kind of witness that we're talking about the
18 same kind of 608(b).
19 MS. ARGENTIERI: My issue is he's not denying that
20 he's violent.
21 THE COURT: No, he's not. What's getting to me is
22 it's getting repetitive.
23 MS. MACEDONIO: Okay. But there's just so much to
24 cover. I'm trying to do it as quickly as possible. I
25 haven't gotten to the homicides yet.

1 THE COURT: Just try to do it quicker.
2 MS. MACEDONIO: I'll try to do it quickly.
3 THE COURT: And just get through it because we've
4 been through it once on direct. I know you're entitled to
5 do this.
6 (Continued on next page.)
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1 (In open court; sidebar ends.)
2 BY MS. MACEDONIO:
3 Q Mr. Zuccaro, during the course of your life, you also
4 sold cocaine; correct?
5 A Yes.
6 Q In about 1994?
7 A Yes.
8 Q Is that something that you did for a short period of
9 time?
10 A Yes.
11 Q Remember conspiring to kill Scott Schulman?
12 A Yes.
13 Q Why were you doing that?
14 A He was trying to hurt the kid Patsy, trying to kill
15 him.
16 Q Was he also prowling around your mother's house?
17 A Yes.
18 Q But you actually didn't kill Scott Schulman; did you?
19 A No.
20 Q Just conspired with other people to do it?
21 A Yes.
22 Q Remember robbing an individual outside his home in Dix
23 Hills?
24 A I never robbed an individual outside his home in Dix
25 Hills.

1 Q Did you tie him up and take about $800,000 in jewelry?
2 A That was a home invasion, not out front of his house.
3 Q Excuse me. You went into the house?
4 A I didn't go into the house.
5 Q What happened?
6 A Marty Bossart, Guy Reichart, Kevin Antonucci, somebody
7 else went in the house.
8 Q What was your involvement?
9 A I set it up. I went there, I orchestrated it.
10 Q You clocked the guy?
11 A No, I had his itinerary already.
12 Q How did you get his itinerary?
13 A People in the neighborhood.
14 Q Somebody gave you the information, you didn't have to
15 do the legwork yourself?
16 A Yes.
17 Q So, he's tied up in his home and robbed; right?
18 A I don't know if they tied him up. I think they might
19 have just cuffed him.
20 Q That was a plan that you orchestrated; right?
21 A Yes.
22 Q Do you remember conspiring to murder a concrete plant
23 owner on Long Island?
24 A Yes.
25 Q This was over a parking entrance.

1 A Over what?
2 Q Parking entrance to a building, to adjacent buildings?
3 A No. It was an easement that Joe Giasario come to me
4 with. His father built a building on the property and the
5 guy that owned the property he built the building on was
6 leasing the property. It was a big mess.
7 Q So, it was about being able to come in and out of the
8 two properties?
9 A Yes.
10 Q So, then there's a plan that's hatched to kill this guy
11 because of this; right?
12 A Yes.
13 Q And you actually went to this man's home; right?
14 A Yes.
15 Q You had clocked him?
16 A Yes.
17 Q You got there in the early hours of the morning?
18 A Yes.
19 Q He came outside and he starts to get a real good
20 beating; right?
21 A Yes.
22 Q And unfortunately for the plan, his wife sees this;
23 right?
24 A Yes.
25 Q So, even though you'd intended to kill him and there

1 was a weapon there, the plan was abandoned; right?
2 A Yes.
3 Q Now, the murder of Setimo Fafia, that was over an
4 insult; right.
5 A Yes.
6 Q And this is the -- I'm not going to be able to say the
7 term, you're going to have to say it for us -- the your wife
8 is sleeping with the milkman term, what was that?
9 A (Speaking in foreign language.)
10 Q That was the only reason that this man was killed;
11 right?
12 A That was the only reason to my knowledge.
13 Q You set it up?
14 A Yes.
15 Q You planned it?
16 A Yes.
17 Q You organized it?
18 A Yes.
19 Q You drove the getaway car; right?
20 A Yes.
21 Q This man was shot in front of his home and left there.
22 A Yes.
23 Q The armored car robberies, you said they were IBI
24 trucks. Were they both IBI trucks?
25 A Yes.

1 Q These are the robberies in the '80s that ultimately you
2 went to trial on and lost?
3 A Yes.
4 Q Mr. Zuccaro, was it the same drivers on both occasions?
5 A Yes.
6 Q So, unfortunately, you robbed an IBI armored car,
7 right, and get away with it; right?
8 A Yes.
9 Q Got the proceeds, I should say. Then you decide to do
10 it again; right?
11 A Yes.
12 Q And unfortunately for the drivers, it was the same two
13 drivers you had robbed previously; right?
14 A Yes.
15 Q You weren't in cahoots with them; were you?
16 A No.
17 Q That was just a really bad coincidence on their part;
18 right?
19 A It was coincidence. I don't know how bad it was.
20 Q Well, did you make it pleasant for them?
21 A As pleasant as possible while I was robbing them.
22 Q But you had a gun; right?
23 A Yes.
24 Q You employed the gun; right?
25 A Yes.

1 Q And that -- for that you went to trial and you got
2 twelve years; right?
3 A Yes.
4 Q Then when you came home, you were on supervised
5 release. When you came home from jail, you were on
6 supervised release; right?
7 A I was on parole.
8 Q Okay. And you understood as part of the terms of your
9 parole that you weren't supposed to commit any crimes;
10 right?
11 A Yes.
12 Q And you actually reported to your parole officer when
13 you came home; correct?
14 A Exactly.
15 Q And isn't it a fact that the next thing that you did
16 was you went and got two guns and went to see Carmine
17 Agnello?
18 A Yes.
19 Q That was because you had had that altercation with
20 Agnello that you told us about earlier today; right?
21 A Yes.
22 Q You had beaten up Carmine Agnello for getting in some
23 type of fight with Victoria Gotti; right?
24 A Yes.
25 Q And when you got home from jail, you wanted to make

1 sure you weren't going to have any problem with Carmine
2 Agnello; right?
3 A Well, he was sending me threatening messages in jail.
4 Q Okay.
5 A So, might as well nip it in the bud while I can.
6 Q You go to the probation officer, report, right? I
7 understand I'm not supposed to commit any crimes; right?
8 A Yes.
9 Q And then you go where, to your mother's house and
10 collect two guns?
11 A Yes.
12 Q Guns that you had stored in your mother's house before
13 you went away?
14 A Yes.
15 Q And you go over to Carmine Agnello and you essentially
16 say, "We're not going to have a problem here;" right?
17 A I had a discussion with him about it, yes.
18 Q And you knew you weren't supposed to have those guns,
19 right, as part of your parole?
20 A Yeah. I was a criminal.
21 Q I know. We're working through.
22 A That's the breaks.
23 Q But you knew you weren't supposed to have those guns.
24 A Yes.
25 Q And that's the very first thing you did when you got

1 home.
2 A Yes, very first thing. Self-preservation.
3 Q Self-preservation, okay. And then you opened up at
4 some point I think in '89, '90 Abstract Auto Recycling?
5 A I think I opened it in '91.
6 Q Okay. And that was essentially a chop shop; right?
7 A Yes.
8 Q So, you're just continuing down this path despite the
9 fact that you're on parole; right?
10 A Yes.
11 Q Tell us about Bruce Vackner, V-A-C-K-N-E-R. What
12 happened to him?
13 A He burglarized my friend's apartment, went and found
14 him, beat him down real good.
15 Q You beat him with a blackjack for ten minutes?
16 A Yes.
17 Q Put him in the hospital?
18 A Yes.
19 Q This is about 1989?
20 A Yes.
21 Q In 1990, there was an armored car robbed at JFK. You
22 had planned this armored car robbery; right?
23 A Yes.
24 Q You didn't actually participate in it; right?
25 A Right.

1 Q But a guard got killed in that robbery; correct?
2 A Yes.
3 Q The robbery that you had planned; right?
4 A Yes.
5 Q What's the Trans Am armored car robbery in 1995?
6 A That's an armored truck depot that was on Jericho
7 Turnpike or Jamaica Avenue on the borderline of Queens and
8 Nassau.
9 Q And what happened? Did you plan that?
10 A We were going to rob the armored truck, but Marty
11 Bossart went behind my back and burglarized the warehouse,
12 wound up with 3 million.
13 Q So, you had planned it; right?
14 A Yes.
15 Q And then the people who you were working with went
16 behind your back and did it without you.
17 A Yes.
18 Q So, when we're talking about --
19 A Loyalty.
20 Q Right. Not there.
21 A Yeah, it went out the window.
22 Q Is this during the period of time where you're addicted
23 to heroin?
24 A Yes.
25 Q So, you're planning all of these armed robberies and

1 you're using heroin at the same time; right?
2 A Yes, functioning drug addict.
3 Q I'm sorry?
4 A A functioning drug addict.
5 Q Is it fair to say, Mr. Zuccaro, that also during this
6 period of time you were always armed?
7 A Yes.
8 Q So, when you left the house, you had at least one
9 weapon with you; right?
10 A I usually left the house with two guns.
11 Q Two guns?
12 A Yes.
13 Q Now, you talked a little bit on direct examination
14 about the murder of Johnny Gebert. That was in 1996; right?
15 A '96, '97.
16 Q Okay. So, originally, Johnny Alite had come to you and
17 asked you to kill Gebert; right?
18 A Yes.
19 Q Why did he come to you?
20 A He knew I'd get it done.
21 Q Because you were someone who actually had planned
22 things like this and you were capable; right?
23 A Yes.
24 Q You were a capable criminal who could plan and execute.
25 A I was a criminal. I was doing what I had to do.

1 Q Understood.
2 A Not hiding behind it, I did what I had to do.
3 Q Understood. Alite's reason for coming to you was that
4 Gebert was uncontrollable; right?
5 A Yes.
6 Q He had shot at Ronnie One Arm?
7 A Yes.
8 Q Chased him through a bar?
9 A Yes.
10 Q He shot at some woman and some old man?
11 A Yes.
12 Q And then by chance, Greg Richter's son reached out to
13 you to tell you that Gebert wanted to talk to you; right?
14 A Could you repeat that?
15 Q This is before Gebert goes to jail. So, somebody
16 reaches out to you and says: Hey, Gebert wants to meet with
17 you. He wants to know if you can fix a problem for him.
18 A It was Greg Reider that reached out to me.
19 Q Greg Reider reached out to you and said: Can you meet
20 with this kid Johnny Gebert? He wants to know if you can
21 fix a problem.
22 A Right.
23 Q So, you agreed to meet with Johnny Gebert outside a
24 diner at Kennedy Airport?
25 A Yes.

1 Q And you knew when you were meeting with Johnny Gebert
2 that you weren't going to fix any problem for him; right?
3 A Exactly.
4 Q You were sizing him up?
5 A Exactly.
6 Q This is part of the plan, right, part of the plan on
7 your part to figure out how we going to kill this kid?
8 A Yes.
9 Q But before that had happened, he went to jail for about
10 eight years; right?
11 A Yes.
12 Q But immediately when he gets home, you get a phone
13 call, and it's like: Hey, he's home. Execute the plan.
14 A Did I get a phone -- no, I didn't get a phone call.
15 Q Well, how was it communicated to you?
16 A Verbally, face-to-face.
17 Q Who came --
18 A He's coming home. I forget who came to me.
19 Q Alite?
20 A Alite might have come to me: He's coming home soon.
21 Wait 'til I go in.
22 Q So, Johnny Alite himself was going to jail; right?
23 A Yes.
24 Q So, he tells you: Hey, wait. Don't kill this kid
25 until I go to jail so they don't think it's me.

1 A Right.
2 Q And you agree?
3 A Yes.
4 Q Did you first call Gebert's brother Brendan to see if
5 you could go through that angle?
6 A No. What happened was Brendan ran Johnny Burke over.
7 The reason why I called Brendan was to straighten a problem
8 out between him and Johnny Burke.
9 Q Was that a car accident or it happened on purpose?
10 A No, that was on purpose.
11 Q So, Gebert's brother ran your friend Johnny Burke over
12 and you were trying to straighten that out?
13 A Yes.
14 Q And Brendan Gebert tells you to mind your own business;
15 right?
16 A Yes.
17 Q Not a good idea; right?
18 A On his part I don't think it was such a good idea.
19 Q Now, did Johnny Gebert ever do anything personal to
20 you?
21 A No.
22 Q But he was in someone's view doing crazy things since
23 he had gotten home from jail; right?
24 A Yes.
25 Q And, so, again you set this plan up to kill Johnny

1 Gebert; right?
2 A Yes.
3 Q You got the cars; right?
4 A Yes.
5 Q You picked the team; right?
6 A Yes.
7 Q You clocked him?
8 A Yes.
9 Q You had meetings with your team; right?
10 A Yes.
11 Q You got -- you stole a car and put it in the garage so
12 you could have it so it could be ready?
13 A Yes.
14 Q You got guns and you wiped them down with alcohol so
15 there'd be no DNA found on them?
16 A Yes.
17 Q No prints?
18 A Yes.
19 Q Even wiped the bullets down; didn't you?
20 A Certainly.
21 Q And then you picked out particular clothing that people
22 should wear; right?
23 A Yes.
24 Q Champion sweatpants and a hooded sweatshirt with no
25 zipper?

1 A Yes.
2 Q And this is to be -- so that they couldn't be
3 recognized; right, part of the plan?
4 A Yes.
5 Q They were wore gloves; right?
6 A Yes.
7 Q Ski masks so no one could see the color of their skin?
8 A Yes.
9 Q They had walkie-talkies to communicate with each other?
10 A Yes.
11 Q Had a police scanner so you would know where the cops
12 were?
13 A Yes.
14 Q And you had gasoline to burn the stolen vehicle; right?
15 A Yes.
16 Q And you got information on where Johnny Gebert was
17 meeting with his drug runners; right?
18 A Yes.
19 Q And on the night of the murder, when you got your team
20 all together, knowing that Johnny Gebert was there, you went
21 up to where he was meeting with his people right outside the
22 bar?
23 A Yes.
24 Q And you, yourself, were again in the crash car; right,
25 your Land Cruiser?

A Yes.
Q You were sort of the director of things; right?
A Yes.
Q Johnny Burke was driving the crash car?
A Yes.
Q Now, from where you parked your car, you were in the vicinity that you could see what was going on; right?
A I didn't park my car.
Q What did you do?
A I stood at the intersection of Woodhaven and 90th Street.
Q You mean you were in the car there?
A I was in my car there, yes.
Q And, so, at some point you tell the shooters over the walkie-talkies "go"; right.
A Yes.
Q What did that mean?
A Pull up, jump out, and shoot him, kill them.
Q And, in fact, at your direction, that's what they did; right?
A Exactly.

(Continued on next page.)

1 CROSS-EXAMINATION (Continued)
2 BY MS. MACEDONIO:
3 Q And there were lots of people? There were people on
4 the Street, right, when this happened?
5 A Yes.
6 Q Gebert wasn't alone, right?
7 A No, he had his friends with him.
8 Q And in addition to Gebert, somebody else got shot?
9 A Yes.
10 Q And Gebert actually ran into the bar, did he not?
11 A Yes.
12 Q And had when he was shot, he was hiding underneath a pool
13 table, right?
14 A Yes.
15 Q He was unarmed hiding under a table?
16 A Unarmed hiding under the table.
17 Q And then after that, the shooters come out and they drive
18 away in the stolen van, correct?
19 A Yes.
20 Q And shortly thereafter, the van is doused with gasoline
21 and it's burned?
22 A Yes.
23 Q And then they get into your car?
24 A Yes, mine and my brother's car.
25 Q Your brother's in the car with you, too?

1 A No. My brother was in his car.
2 Q Okay. And was the van just set on fire right there on
3 the Street?
4 A Yes.
5 Q So it wasn't even taken to, like, a chop shop or anything
6 like that? It was just burn it now, get rid of it?
7 A Yes.
8 Q And then you and the other people involved drove to
9 Rockaway Beach, right?
10 A Yes.
11 Q Got rid of the weapon, threw it in the water?
12 A Yes.
13 Q Everyone changed their clothes?
14 A Yes.
15 Q Someone was instructed to burn all those clothes, right?
16 A Yes.
17 Q And then after all of this was done, you debriefed the
18 shooters to make sure that the job had been completed, right,
19 that Gebert was dead?
20 A Yes.
21 Q And then you went to a diner and had a meal, right?
22 A Yes.
23 Q And then you went home?
24 A Yes.
25 Q And you were originally -- if you had been prosecuted for

1 this crime, you would have been facing the death penalty,
2 right?
3 A Possibility.
4 Q Okay. But that was taken off the table as part of your
5 cooperation, correct?
6 A Yes.
7 Q At some point in the '80s to 1997, you were selling
8 marijuana, correct?
9 A I got out of jail '88, yes.
10 Q And this was the -- I don't want to call it a business.
11 This was when you were involved with the Carneglias in Texas?
12 A Yes.
13 Q And so --
14 A That ended within two years. I think we started in '89.
15 That was done by '91.
16 Q Okay. And --
17 A But I had a Street business going.
18 Q Tell me what you mean by that.
19 A I had a -- I had guys on the Street that were selling
20 marijuana.
21 Q Okay. But you also --
22 A Street level.
23 Q Okay. So you had this -- the larger business was the
24 Texas business, right?
25 A Yes.

1 Q And so that was bringing in large quantity of marijuana,
2 right?
3 A Yes.
4 Q How much were you bringing in?
5 A I don't know, five, 600 pounds at a time.
6 Q Okay. That lasted for a very short period of time?
7 A Yes.
8 Q And this is the situation where you ultimately have a
9 fallout with the Carneglias because they want --
10 A Yes.
11 Q -- money from a load that nobody got money on, right?
12 A Yes.
13 Q And did you testify that you had robbed a cocaine dealer
14 and then tried to give them back some of that money?
15 A Yes.
16 Q You gave it to Iggy, right?
17 A Yes.
18 Q But Iggy never gave it to you?
19 A Never gave it to me. Loyalty went out the window there,
20 too.
21 Q And then at some point after that, you are getting, I
22 guess for your Street business, marijuana from the Geberts,
23 right?
24 A Yes, from Brendan.
25 Q Sorry, go ahead?

1 A From Brendan.
2 Q There is a number of brothers, right, Mattie, Brendan and
3 John?
4 A Yes.
5 Q Okay. And you are getting your marijuana from them,
6 right?
7 A Yes.
8 Q Okay. And then you ultimately go into a much
9 larger-scale marijuana distribution, right?
10 A You mean the grow?
11 Q Yeah.
12 A I was growing from '93 to 2003.
13 Q So for ten years you are growing marijuana, right?
14 A Yes.
15 Q And this is a big operation that you put together, right?
16 A Yes.
17 Q You were growing it in grow houses, right? You weren't
18 growing marijuana in your backyard?
19 A No. I started off in homes and houses and then I bought
20 some factories and did it in there.
21 Q Okay. And so you bought buildings to be able to do this?
22 A Yes.
23 Q And you learned how to be able to cultivate the product
24 all year long, right?
25 A I learned how to do what?

1 Q To grow marijuana all year. You weren't doing it
2 outside. You weren't waiting for the springtime to come or
3 anything, right?
4 A No, I was growing hydroponic marijuana indoors.
5 Q Right. You were growing it under special lights?
6 A All year round.
7 Q All year round?
8 In fact, you testified at some point you had so much
9 marijuana that there were times it was difficult to get rid of
10 it, right?
11 A Yes.
12 Q And you were making a lot of money doing this?
13 A I was making some money.
14 Q Okay. And you had people who were working for you,
15 right?
16 A Yes.
17 Q Did you get your brother-in-law involved in this?
18 A Yes, unfortunately.
19 Q He was just a Street guy, right?
20 A Yes.
21 Q And he ended up getting involved in your marijuana
22 business, right?
23 A Yes.
24 Q And this was essentially for that ten-year period it
25 became a full-time job for you, right?

1 A Yes.
2 Q And a very lucrative one, right?
3 A Yes.
4 Q Did you at some point have about $4,000 a day in sales?
5 A Yes.
6 Q You were selling the marijuana sort of all over Long
7 Island, right? You were selling it in five towns?
8 A That was the Street-level business.
9 Q Okay.
10 A That was different from growing it.
11 Q Okay. So when you were growing it, you were selling
12 larger quantities to people?
13 A Yes.
14 Q So, for example, a customer of years wouldn't be buying,
15 like, a dime bag?
16 A No.
17 Q He would be buying a pound or two pounds?
18 A Yes.
19 Q Okay. And when you got the grow houses, you had one that
20 was in Brooklyn, rights?
21 A They were all in Brooklyn.
22 Q One wasn't in Bayside, Queens?
23 A That was my brother-in-law's house.
24 Q Okay. He was growing --
25 A That was probably six months before I was arrested in

1 Florida.
2 Q Okay. And were some of these grow houses near schools?
3 A I had the factory I bought, and they built the school
4 across the Street from it five years later. I was like, look
5 at this.
6 Q Not good luck on your part?
7 A No.
8 Q But you bought the factories specifically so you could
9 control what was going on, right?
10 A Yes.
11 Q You needed to be able to know who was coming and going?
12 You weren't taking any chance, right?
13 A Right.
14 Q Okay. And then we talked a little bit about the
15 businesses that you -- that you had to be able to launder the
16 money?
17 A Yes.
18 Q And some of the businesses had a legitimate aspect to
19 them, but they were open with the idea of laundering money,
20 right?
21 A Yes.
22 Q And as part of your cooperation, you had to forfeit some
23 of the things, right?
24 A Yes.
25 Q And one of the things you had to forfeit was a property

1 upstate, correct?
2 A Yes.
3 Q And that particular property, how big was it?
4 A 105 acres.
5 Q And you bought that property with the specific intent of
6 being able to grow there, right?
7 A Originally I bought it for -- to live on.
8 Q Okay.
9 A But then, you know, greed sets in.
10 Q Okay. And you decided, well, I have 105 acres up here,
11 why not get some out of it, right?
12 A Yes.
13 Q And that property was deeded to your mother?
14 A Yes.
15 Q And your wife?
16 A Yes.
17 Q And your mother would try to go to the property at times?
18 A No.
19 Q No?
20 You never lied to your mother and told your mother, you
21 can't go there as a tenant, never?
22 A No.
23 Q No?
24 A A tenant?
25 Q Yeah.

1 A Never had a tenant there.
2 Q Did you have somebody who was living in the house there?
3 A No.
4 Q No, nothing?
5 But you did try to grow marijuana there, right?
6 A I tried to grow marijuana.
7 Q It didn't work out?
8 A Didn't work out.
9 Q Okay.
10 (Brief pause.)
11 Q Let's talk a little bit about Geeky, okay, Frank Boccia.
12 That was your friend?
13 A Yes.
14 Q Okay. And he got murdered, correct?
15 A Yes.
16 Q And what is your understanding as to who murdered him?
17 A Who was the triggerman?
18 Q Who was responsible for his death?
19 A Don Pizzonia, Anthony Ruggiano, Tony Lee.
20 Q And this is because Geeky was married to Anthony, Fat
21 Andy's daughter, correct?
22 A Yes, Francine.
23 Q And what happened? There was an argument at the home?
24 A Geeky married her, got her pregnant. Her brother Albert
25 was a crackhead and he was turning her on to smoking crack

1 cocaine while she was pregnant. Geeky found out. He flipped
2 out. He was in the house, got into an argument with her. The
3 mother interceded. He either threw a beeper at her or hit
4 her.
5 Q At the mother?
6 A Pushed her down the stairs or something.
7 Q At the mother?
8 A Yes.
9 Q And so Fat Andy's not very happy about this, right?
10 A No.
11 Q And you try and warn Geeky. You say get out of town,
12 right?
13 A Yes.
14 Q And he says, no, no, I'm doing to this. They are going
15 to set me up with a business, right?
16 A Yes.
17 Q And that was the ruse, right? They said, come to a
18 meeting, we are going to give you money and set you up in a
19 business, right?
20 A Yes.
21 Q And was it your understanding that Fat Andy's son Anthony
22 Ruggiano was involved in this as well?
23 A Yes.
24 Q And do you know who it was that actually drove Geeky to
25 the meeting?

1 A It was Anthony Ruggiano.
2 Q The son?
3 A Yes.
4 Q Okay. And so is your understanding that Geeky walks in
5 this meeting and he's shot and killed?
6 A Yes.
7 Q And the next day, were you -- were you around Geeky's
8 house?
9 A Around his house?
10 Q Yeah.
11 A No.
12 Q Okay. Did you meet with his father?
13 A Yes.
14 Q Tell us what happened.
15 MS. ARGENTIERI: Objection.
16 THE COURT: Wait. Sidebar.
17 (Sidebar held; continued on the next page.)
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1 MS. MACEDONIO: I can move quickly through this. I
2 just want --
3 MS. ARGENTIERI: It's not a quicker objection. I
4 think the statements she is eliciting are inadmissible.
5 THE COURT: It would be hearsay. She knows.
6 MS. ARGENTIERI: And also I'm not sure why this
7 incident is relevant. He didn't do anything to this guy.
8 It's not impeachment for him.
9 THE COURT: Could you just move through it and the
10 highlights.
11 MS. MACEDONIO: Yeah.
12 THE COURT: Okay.
13 (Continued on the next page.)
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1 Q Mr. Zuccaro, so the day after Geeky's murder, did you get
2 into a car with his father and Anthony Ruggiano?
3 A Yes.
4 Q And did Anthony Ruggiano drive you past a house?
5 MS. ARGENTIERI: Objection.
6 (Sidebar held; continued on the next page.)
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1 THE COURT: Is this really the heart of your --
2 MS. MACEDONIO: I'm done. I'm really done.
3 THE COURT: So go on to something. It's getting
4 late.
5 MS. MACEDONIO: Okay.
6 (Continued on the next page.)
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1 Q Mr. Zuccaro, we talked in the beginning of my examination
2 about the fact that you have testified a number of times. Do
3 you remember that?
4 A Yes.
5 Q And most of those people that you testified against were
6 at some point your friends, right?
7 A Yes.
8 Q Okay. Now, Mr. Asaro, he's not your friend, right?
9 A No.
10 Q Never really has been, right?
11 A No.
12 Q Gasper Valenti, he was not a friend of yours, right?
13 A I was more friendly with Gasper than Vinnie.
14 Q But he wasn't your friend?
15 A No, he wasn't my day-to-day friend.
16 Q Okay. Before you came here today, did you know who was
17 going to be on trial?
18 A Yes.
19 Q You had talked to the government about your testimony,
20 correct?
21 A Yes.
22 Q In your debriefings by the government, do you remember
23 the first time that you talked to the government about
24 Lufthansa and Frank Burke?
25 A Not exactly.

1 Q Was it back in 2006?
2 A 2000 and what?
3 Q 2006.
4 A It could have been.
5 Q Could have been?
6 Could it have been more like 2012?
7 A Could have been 2012, too.
8 Q Okay. But you are not sure?
9 A I talked about a lot of things --
10 Q Understood --
11 A On a lot of different dates in a lot of different years.
12 It's a lot of talking.
13 Q Okay. You are here today because you are cooperating
14 with the government, right?
15 A Yes.
16 Q And even though Mr. Asaro is not -- has never been a
17 friend of yours, you are not here because you want to be,
18 right?
19 A I'm here because I cooperated with the government.
20 Q Okay.
21 A I told them what I knew and I have to be here.
22 Q And you have to be here because if you are not here, you
23 can go back to jail, right?
24 A Yes. I'm fulfilling my obligation.
25 Q And you have no intention of ever going back to jail,

1 right, Mr. Zuccaro?
2 A I have no intention of ever going back to jail, never
3 commit another crime.
4 Q That's my question. Is the answer yes?
5 A Yes.
6 Q Okay.
7 MS. MACEDONIO: May I have one moment, Judge?
8 THE COURT: Yes.
9 (Brief pause.)
10 MS. MACEDONIO: I have no further questions. Thank
11 you, Judge.
12 MS. COOLEY: Nothing further.
13 THE COURT: We'll take a five-minute break.
14 (Brief pause.)
15 (The jury exits the courtroom.)
16 THE COURT: Your next witness is?
17 MS. ARGENTIERI: Dennis Williams, a surveillance
18 witness.
19 THE COURT: And I assume after that?
20 MS. ARGENTIERI: We have I believe one, two, three,
21 four, five, six, seven, eight, nine, ten people here.
22 THE COURT: Thank you.
23 MS. ARGENTIERI: Okay.
24 (Brief Pause.)
25 (The jury enters the courtroom.)

1 THE COURT: Please be seated.
2 Ms. Argentieri?
3 MS. ARGENTIERI: The government calls Dennis
4 Williams.
5 THE COURTROOM DEPUTY: Please raise your right hand.
6
7 **DENNIS WILLIAMS**, called as a witness, having been first duly
8 sworn, was examined and testified as follows:
9
10 THE WITNESS: I do.
11 THE COURTROOM DEPUTY: Please state and spell your
12 name for the record.
13 THE WITNESS: Dennis P. Williams.
14 DIRECT EXAMINATION
15 BY MS. ARGENTIERI:
16 Q Good afternoon.
17 A Good afternoon.
18 Q Sir, where are you employed?
19 A I am currently a partner with Pathway Forensics down in
20 Houston, Texas.
21 Q And prior to that, where did you work?
22 A I worked for the FBI. I'm a retired FBI agent with
23 32 years of experience.
24 Q When did you start with the FBI?
25 A 1975.

1 Q And what were the different roles you had in your career
2 at the FBI?
3 A For the first year I was an accounting technician and
4 then became a special agent, worked for two years in Dallas,
5 then transferred to New York, worked about three years in
6 New York, then transferred to FBI Headquarters for about eight
7 years and then I finished my career down in Houston, Texas.
8 Q Now, directing your attention to February 1980, where
9 were you assigned in the FBI then?
10 A I was assigned to the Brooklyn Queens Metropolitan
11 Resident Agency.
12 Q And what's that?
13 A It's a satellite office out of the New York office.
14 Q And is it referred to as the BQRA?
15 A Yes, ma'am.
16 Q Now, specifically, what squad were you assigned to there?
17 A It would have been BQ6.
18 Q And what did that squad investigate?
19 A At that time we were investigating the Bonanno organized
20 crime family.
21 Q Now, directing your attention to February 15th, 17th and
22 18th of 1980, what was your specific assignment on those days?
23 A It was to do a surveillance at a funeral home where
24 Michael Zaffarano, a member of the -- head of organized crime
25 family was -- had died and they were having a wake for him at

1 the funeral home.
2 Q And did you and other agents conduct that surveillance?
3 A Yes, ma'am.
4 Q And as you sit here today, do you recall every detail of
5 that surveillance?
6 A No, ma'am.
7 Q Did you write a report at the time?
8 A Yes, ma'am.
9 MS. ARGENTIERI: Showing the witness -- may I
10 approach, Judge?
11 THE COURT: Yes.
12 MS. ARGENTIERI: -- 3500-DW-1 (handing).
13 Q What is that?
14 A (Perusing.) This is a copy of my report.
15 Q And when you wrote that report, was it accurate?
16 A Yes, ma'am.
17 MS. ARGENTIERI: I ask that the witness be allowed
18 to refer to his report and read parts of it into the record as
19 a past recollection recorded.
20 THE COURT: Permitted.
21 Q So you said Michael Zaffarano had died and over these
22 three days, there was a wake. Where were you conducting the
23 sur vans? What were you watching, what location?
24 A It was the Stephen Funeral Home located on North Conduit
25 in Brooklyn.

1 Q And as part of your surveillance, did you record license
2 plates that you observed?
3 A Yes, ma'am.
4 Q Why did you do that?
5 A To identify the vehicles and who the operators of the
6 vehicle were.
7 Q Turning to page 2 of your report, there is a date at the
8 top. What is that date?
9 A February 15, 1980.
10 Q And then there is a list of license plates and list of
11 registrations for each license plate; is that fair?
12 A Yes, ma'am.
13 Q And so do the pages that follow indicate what plates that
14 you observed on cars on February 15, 1980?
15 A About the first -- first 15 pages reflect that, for the
16 15th.
17 Q Now, how did you determine the car registration? Did you
18 do that there or you did it later?
19 A We determined the registration later.
20 Q Looking at page 3, seventh from the top, license plate
21 623FDZ, was that a plate that was observed on February 15,
22 1980, in the vicinity of the funeral home?
23 A Yes, ma'am.
24 Q And what was the year, make and model of that car?
25 A It's a '77 Lincoln two-door sedan.

1 Q And who was that car registered to?
2 A Theresa Asaro.
3 Q At what address?
4 A 132-05 83rd Street, Ozone Park, New York.
5 Q Just, can you read the plate, year, owner and address for
6 the plate below that.
7 A Yes, ma'am. Plate is 339IBF and that's for a '74 Ford
8 two-door sedan, abbreviation "RD." I believe that's for
9 "red." And the registered owner for that is Anita Giallanzo.
10 And do you want the address?
11 Q Yes, please.
12 A Address is 159-26 90th Street, Howard Beach, New York.
13 Q Now turning to page 5, fourth from the top, is there a
14 license plate 148DVS -- I'm sorry, DFS?
15 A Yes, ma'am.
16 Q What kind of car was that?
17 A A '72 Cadillac two-door sedan.
18 Q And who was the registered owner of that car?
19 A Theresa Burger.
20 Q At what address?
21 A 2167 East 69th Street, Brooklyn, New York.
22 Q Now, fourth from the top, starting with 242NEH, was that
23 a plate number observed there on February 15th at the funeral
24 home?
25 A Could you repeat that question?

1 Q Fourth from the bottom. I may have misspoken.
2 A Plate 242NEH was observed at that -- at that date.
3 Q Can you describe -- can you read what is listed for that
4 car.
5 A It's a 1975 Plymouth sedan.
6 Q Who is it registered to?
7 A Umberto Altruda.
8 Q At what address?
9 A 642 Miller Avenue, Freeport, New York.
10 Q Now, turning to page 9, does this page indicate plates
11 for February 17, 1980, the bottom of the page?
12 A Yes, ma'am, towards the bottom of the page, it indicates
13 February 17, 1980.
14 Q So what were you about to testify about would be plates
15 that were observed on February 17th?
16 A Yes, ma'am.
17 Q So the third plate there, can you read the plate number.
18 A 323KTG.
19 Q What kind of car?
20 A It's a '79 Cadillac sedan, gray.
21 Q Registered to who?
22 A Rosalie Zaffarano.
23 Q At what address?
24 A 2848 Riverside Drive, Montauk, New York.
25 Q Turning to page 10, fourth from the bottom, can you read

1 that plate.
2 A Plate number 623FDZ.
3 Q And who is the registered owner of that plate?
4 A It's Theresa Asaro.
5 Q And what was the address?
6 A 132-05 8-3 Street or, excuse me, 83rd Street, Ozone
7 Park, New York.
8 Q And on page 11, fifth from the bottom, could you read
9 that plate.
10 A 242NEH.
11 Q And who is that registered to?
12 A Umberto Altruda.
13 Q And is it fair to say it's the same car description and
14 address as the one you just read or one you read a couple
15 minutes ago?
16 A Yes, ma'am.
17 Q And at page 13, the second from the top, can you read
18 that aloud.
19 A Yes, ma'am. That's license plate number 631UGJ and
20 that's for a '79 Cadillac, two-door sedan, registered to Vito
21 Ruggiero with an address of 90-52 Shore Parkway, Howard Beach,
22 New York.
23 Q Thank you.
24 And can you read the entry, the second from the bottom
25 beginning with the "4."

1 A Second from the bottom is license plate number 450 "P" as
2 in "Peter," QQ for a 1980 Cadillac two-door sedan, registered
3 to Marie Lattanzio, address of 395 Fanning Street,
4 Staten Island, New York.
5 Q Going to page 15, the third from the top, can you read
6 the plate beginning with the "2."
7 A The license plate is 205PLC, and that's for a '79 Lincoln
8 four-door sedan registered to Joseph Messina, address of 71-21
9 Coldwell Avenue, Maspeth, New York.
10 Q And turning to the next page, do the pages following,
11 page 16, document the plates that you saw on February 18,
12 1990, [sic]?
13 A Yes, ma'am.
14 Q At page 17, can you read the second plate from the top.
15 A Yes, ma'am. It's license plate 242NEH, which is a '75
16 Plymouth sedan registered to Umberto Altruda.
17 Q And is that at the same address that you previously read?
18 A Yes, ma'am.
19 Q Now, a little further down from there beginning in "339,"
20 can you read the information for that plate.
21 A Yes. License plate number is 339IBF. It's for a '74
22 Ford two-door sedan registered to Anita Giallanzo. And the
23 address is 159-26 90th Street, Howard Beach, New York.
24 Q Now, two down from that, can you read the plate beginning
25 in "274."

1 A License plate number is 274UCF. It's registered on a '73
2 Cadillac two-door sedan. Registered owner is Gasper Ferrari,
3 address is 205 Sunrise Highway, Lynbrook, New York.
4 Q Now, just below that, can you read just the tag for that.
5 A License plate below that is 323KTG.
6 Q And who is the registered owner of that car?
7 A Rosalie Zaffarano.
8 Q And you previously read the other identifying information
9 for that tag; is that correct?
10 A Yes, ma'am.
11 Q Page 18, fifth from the bottom beginning with "498," can
12 you read the information for that tag.
13 A Yes, ma'am. Its license plate is 498QAR. It's for a
14 vehicle 1977 Lincoln two-door sedan registered to Joseph
15 Marcela, address of 149 122nd Place, South Ozone Park,
16 New York.
17 Q Now, two down from that, is that 623FDZ plate seen again
18 on February 18th?
19 A Yes, ma'am.
20 Q Can you just read the registered owner.
21 A Registered owner is Theresa Asaro.
22 MS. ARGENTIERI: I have no further questions.
23 CROSS-EXAMINATION
24 BY MS. MACEDONIO:
25 Q Good afternoon, sir.

1 A Good afternoon.
2 Q Your testimony today has consisted of surveillance you
3 did at a wake over several days?
4 A Yes, ma'am.
5 Q And you testified about plates and car registrations that
6 you ran of surveillance you did, correct?
7 A Yes, ma'am.
8 Q And a few moments ago, you read out loud the name Rosalie
9 Zaffarano, correct?
10 A Yes, ma'am.
11 Q Do you know that that's the decedent's widow?
12 A I don't know.
13 Q Do you know if there's any familial relationship between
14 the deceased and the defendant, Mr. Asaro?
15 A I don't know.
16 Q Do you know if any of the other names you read out loud
17 have a familial relationship with the deceased?
18 A I don't know.
19 Q Thank you, sir.
20 THE COURT: Anything further?
21 MS. ARGENTIERI: Judge, I actually neglected one
22 tag.
23 THE COURT: That's all right. You can do it.
24 MS. ARGENTIERI: Thank you.
25 REDIRECT EXAMINATION

1 BY MS. ARGENTIERI:
2 Q I'm sorry, sir, if you could go to the bottom of page 6.
3 A Yes, ma'am.
4 Q These are tags for February 15, 1980. Can you just read
5 the bottom one on the bottom of page 6.
6 A The license plate number is 729KDP. It's for a '72 Buick
7 two-door sedan. Registered owner is John Tagliaferro with an
8 address of 239 Sheraton Avenue, Brooklyn, New York.
9 MS. ARGENTIERI: Thank you so much. No further
10 questions.
11 THE COURT: Thank you very much. You are excused.
12 MS. COOLEY: The government calls Robert Kopke.
13 (Brief pause.)
14 THE COURTROOM DEPUTY: Please raise your right hand.
15
16 **ROBERT KOPKE**, called as a witness, having been first duly
17 sworn, was examined and testified as follows:
18
19 THE WITNESS: I do.
20 THE COURTROOM DEPUTY: Please state and spell your
21 name for the record.
22 THE WITNESS: Robert Kopke, K-O-P-K-E.
23 THE COURTROOM DEPUTY: Thank you.
24 DIRECT EXAMINATION
25 BY MS. COOLEY:

1 Q Good afternoon.
2 A Hi.
3 Q Are you currently employed?
4 A No.
5 Q Are you retired?
6 A Yes.
7 Q Did you previously work in law enforcement?
8 A Yes.
9 Q And where did you work?
10 A I worked for the Nassau County Police Department.
11 Q And where is the precinct located where you worked?
12 A I was -- I was in the 1st Precinct in Baldwin, New York.
13 Q And is that on Long Island?
14 A Yes, it is.
15 Q For how long total did you work at the Nassau County
16 Police Department?
17 A Approximately 25 years.
18 Q Directing your attention to February 27, 1984, were you
19 working at the Nassau County Police Department then?
20 A Yes, I was.
21 Q And what was your title at that time?
22 A I was a police detective.
23 Q And generally, what were your responsibilities as a
24 detective?
25 A Investigating all crimes that occurred within the 1st

1 Precinct boundaries and the villages of Rockville Center and
2 Freeport, which had their own policed departments.
3 Q And those are also in Long Island, correct?
4 A Correct.
5 Q What shifts were you working on February 27, 1984?
6 A Four to 12.
7 Q Is that in the evening?
8 A 4:00 p.m. to 12:00 a.m.
9 Q What, if any, crime did you and your squad begin
10 investigating that night?
11 A The hijacking of a FedEx truck.
12 Q Were you the lead detective assigned to that
13 investigation?
14 A No, I was not.
15 Q Who was?
16 A Detective Arthur McCody (ph).
17 Q And is he alive today?
18 A No, he passed away a few years back.
19 Q Was this robbery you were investigating that night an
20 armed robbery or not?
21 A Yes, armed robbery.
22 Q What, if any, information did you have on the suspect or
23 suspects that you were looking for?
24 A Eventually learned it was two male whites who approached
25 the driver of the FedEx truck.

1 Q Now, approximately when did that robbery that you were
2 investigating take place?
3 A Around 6:00 p.m.
4 Q That same night, February 27th?
5 A Yes, ma'am.
6 Q What was the name of the victim of that robbery?
7 A Joseph Alvilas (ph). I don't know if I'm pronouncing the
8 name correctly.
9 Q Would it refresh your recollection as to the spelling of
10 his name if I showed you a document you signed from that
11 night?
12 A I think it would.
13 MS. COOLEY: Your Honor, may I approach the witness?
14 THE COURT: Yes.
15 Q I'm showing you what has been marked for identification
16 as 3500-RK-1 (handing). Please review that and let me know if
17 you need to refer to it to refresh your recollection.
18 A Yes, it does. I pronounced his last -- it was the wrong
19 last name. It's Joseph Klimas.
20 Q And how do you spell "Klimas"?
21 A K-L-I-M-A-S.
22 Q And what was his date of birth?
23 A 12/6/47.
24 Q And what borough of New York City, if any, was he from?
25 A Queens.

1 Q And what was his occupation?
2 A The driver for FedEx.
3 Q For FedEx vehicle?
4 A For FedEx Express [sic] -- excuse me, Federal Express,
5 not FedEx -- well, FedEx.
6 Q And where was Mr. Klimas when he was abducted?
7 A He was in a vicinity of Randall Avenue in Freeport.
8 Q And what exactly was he robbed of?
9 A The contents of his van and his wallet.
10 Q Was he in his van or near his van when he was robbed?
11 A He was -- he was at the back door when he was approached
12 by these two male whites who then forced him into -- into the
13 van, placed a hat over him and then drove off.
14 Q To your knowledge, what was stolen from the truck, if
15 anything?
16 A Various boxes from all his pickups and a major -- one of
17 the major assorted, varied some odd boxes from a company
18 called LeaRonal which the driver knew contained liquid gold.
19 Q And what is LeaRonal, to your knowledge?
20 A Chemical company. That's all I do know, you know.
21 Q Where was it located at the time of this robbery?
22 A LeaRonal had two addresses, one on Buffalo Avenue, and I
23 think the other one on Albany Avenue.
24 Q In what town?
25 A Freeport, village of Freeport.

1 MS. MACEDONIO: Judge, may I have a moment with the
2 attorney for the government?
3 THE COURT: I'm sorry.
4 MS. MACEDONIO: I just want to speak with the
5 attorney for the government for a moment.
6 THE COURT: Yes.
7 (Brief pause.)
8 MS. MACEDONIO: Judge, can we approach?
9 THE COURT: Yes.
10 (Sidebar held; continued on the next page.)
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1 MS. MACEDONIO: So the problem that I'm having is
2 this detective --
3 MS. ARGENTIERI: Yes.
4 MS. MACEDONIO: So, I mean, he's essentially
5 testifying to everything that somebody else -- everything he
6 testified to is something that somebody else told him. He has
7 no firsthand knowledge of this.
8 THE COURT: This is not his past recollection
9 recorded because the person is dead.
10 MS. COOLEY: Your Honor, he did meet with the
11 victim. I was explaining to Ms. Macedonio that the purpose of
12 calling him was to explain just the general facts about the
13 incident that happened that night and what they were
14 responding to and what they were investigating. I don't mean
15 to elicit the details of everything the victim told him. I
16 think that I would like to limit what he's saying and I am
17 happy to move on and really just talk about what evidence was
18 recovered by the squad that night.
19 The victim is deceased. I don't intend to bring out
20 a lot of details from what he told him. He did meet with him
21 that night. It was after the incident, but I don't intend to
22 bring out a lot of detail about what he told Mr. Kopke. I
23 just wanted to establish --
24 THE COURT: How about no real detail?
25 MS. COOLEY: Okay.

1 MS. MACEDONIO: How about what's already been
2 brought out? There's a lot of stuff. First of all, we got
3 this last night.
4 MS. COOLEY: No, you had this for months. You had
5 this document in discovery and I gave Ms. Macedonio an
6 unredacted --
7 THE COURT: It's okay.
8 MS. COOLEY: Yes.
9 THE COURT: The question is really, what are you
10 bringing out that hasn't been established already?
11 MS. COOLEY: I don't need to bring out really
12 anything else about the incident. I was explaining to
13 Ms. Macedonio I only meant to establish the locations involved
14 because he did have personal knowledge. He went to LeaRonal
15 that night.
16 THE COURT: So simply the locations?
17 MS. COOLEY: Yeah, the locations and the number and
18 basic information of suspects they were looking for. And then
19 I was going to elicit they recovered the van. They recovered
20 handcuffs from the van and, to his knowledge, there wasn't an
21 arrest that was made in this case.
22 MS. MACEDONIO: Okay. All of that is understood. I
23 would just like to note an objection and I don't want to stop
24 the trial. I would like to be able to review what has already
25 been said this evening and if I have a further objection, I

1 can note it in the morning.
2 THE COURT: Okay.
3 MS. MACEDONIO: Okay, all right.
4 MS. COOLEY: Thank you.
5 MS. MACEDONIO: Thank you.
6 (Continued on the next page.)
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1 Q Mr. Kopke, was there a motor vehicle that was recovered
2 by law enforcement in connection with this case?
3 A The Federal Express delivery truck that the victim was
4 driving.
5 Q Okay. At the time of the robbery you were investigating,
6 correct?
7 A Correct.
8 Q And to your knowledge, did your squad voucher any
9 evidence from this case other than that motor vehicle?
10 A Two pair of handcuffs.
11 Q And you mentioned this involved shipment from LeaRonal,
12 correct?
13 A Correct.
14 Q Did you personally respond to LeaRonal that evening?
15 A Yes, I did.
16 Q Were you aware of what type of object was stolen from
17 that company's shipments?
18 A I spoke to some administrator there to -- he explained to
19 me the contents of the boxes because I was unfamiliar with --
20 I never heard of liquid gold.
21 Q Was this the only liquid gold robbery in your experience
22 as a detective --
23 A Yes, it was.
24 Q -- that you were aware of in your experience?
25 A Correct.

1 Q And based on your investigation, you mentioned that the
2 robbery took place at approximately what location?
3 A Randall Avenue, village of Freeport.
4 Q And where, if anywhere, was the van recovered from?
5 A The village of Valley Stream in the rear of store
6 shopping centers near Rockaway Avenue or Rockaway Parkway in
7 the 5th Precinct.
8 Q And were you aware of whether 911 was contacted in
9 connection with this case?
10 A Eventually they were, through the driver had explained
11 that --
12 Q I will just stop you there.
13 A Okay.
14 Q Were you aware of whether a company had contacted 911?
15 A Federal Express did.
16 Q Mr. Kopke, to your knowledge, was an arrest ever made in
17 this case?
18 A No.
19 MS. COOLEY: No further questions, Your Honor.
20 MS. MACEDONIO: No questions, Judge.
21 THE COURT: Thank you very much. You are excused.
22 THE WITNESS: Thank you.
23 MS. GERDES: Thank you, Your Honor. The
24 government's next witness is Steve Silvern.
25 (Brief pause.)

1 THE COURTROOM DEPUTY: Please raise your right hand.
2
3 **STEPHEN SILVERN**, called as a witness, having been first duly
4 sworn, was examined and testified as follows:
5
6 THE WITNESS: Yes, sir, I do.
7 THE COURTROOM DEPUTY: Please state and spell your
8 name for the record.
9 THE WITNESS: Stephen, S-T-E-P-H-E-N, middle initial
10 A. as in "apple," Silvern, S-I-L "V" as in "Victor," E-R-N.
11 THE COURTROOM DEPUTY: Please have a seat.
12 THE WITNESS: Thank you.
13 MS. GERDES: May I, Your Honor?
14 THE COURT: Yes.
15 DIRECT EXAMINATION
16 BY MS. GERDES:
17 Q Mr. Silvern, are you currently employed?
18 A No, I am not.
19 Q When did you retire?
20 A Well, I retired twice. I retired from the FBI in 2006
21 and I retired from Atlantic County Prosecutor's Office in
22 2011.
23 Q Where is that Prosecutor's Office located?
24 A Atlantic County, Mays Landing, New Jersey.
25 Q And then prior to your time at that Prosecutor's Office,

1 you were an agent with the FBI?
2 A That is correct.
3 Q Tell the jury about your time at the FBI.
4 A I was hired in the FBI in 1984, graduated from the
5 academy in August of 84. I was assigned my first four years
6 in the Jacksonville division of the FBI, including the
7 Gainesville, Florida RA. After that assignment, for eight
8 years, the next eight years I was in New York City. And after
9 that, I spent two years down in Washington, D.C. at our
10 Special Operations Division. After that, I spent the balance
11 of my time until I retired in May of 2006 at the Atlantic City
12 office of the FBI.
13 Q I want to talk to you about your time in the New York
14 City office. Which particular squads were you assigned to?
15 A I was assigned to one squad the entire eight years.
16 Q Which one was that?
17 A That would be C10.
18 Q What is C10? What are they responsible for
19 investigating?
20 A At that time it was responsible for the Bonanno family
21 and for some point in time, also the Colombo family.
22 Q I would like to talk to you about some of the
23 surveillances you did while you were an agent on C10.
24 Specifically in the years of 1989, 1990 and 1992, during the
25 course of your surveillances, did you keep records reports?

1 A Yes.
2 Q And were those reports, also known as surveillance logs,
3 accurate?
4 A Yes.
5 Q And as you sit here and testify today, can you remember
6 all of the details about the surveillances you conducted all
7 those years back?
8 A No.
9 Q Would reading from your reports aid in your testimony
10 today?
11 A Absolutely.
12 MS. GERDES: Your Honor, with the Court's
13 permission, if I could approach the witness --
14 THE COURT: Yes.
15 MS. GERDES: -- with a series of reports.
16 Q And while I'm here, Mr. Silvern, did you have a chance to
17 review Government Exhibits 625, 625-A through Y, 625-1, 625-2,
18 626-A through G, 626-1, 627-A through D, 628-A through F and
19 629-A through F?
20 A Yes, I believe so, yes.
21 Q And did you recognize those exhibits?
22 A Yes.
23 Q Fair to say they are photographs taken during the course
24 of your surveillance?
25 A That's correct.

1 MS. GERDES: Your Honor, I move to admit those
2 exhibits.
3 MS. MACEDONIO: No objections.
4 THE COURT: Admitted.
5 (Government's Exhibits 625, 625-A through Y, 625-1,
6 625-2, 626-A through G, 626-1, 627-A through D, 628-A through
7 F and 629-A through F admitted into evidence.)
8 MS. GERDES: Thank you.
9 Q Beginning with your first report, SS8, where did you
10 conduct surveillance that day?
11 A This was at 8864 Myrtle Avenue in Queens, New York.
12 Q What at that location?
13 A That was the Grand Avenue Social Club.
14 Q What time did your surveillance began that day?
15 A 2:10 p.m.
16 Q Please tell the jury who arrived at approximately
17 2:38 p.m.
18 A Jimmy Galante arrived at 2:38.
19 Q Who arrived at 3:04 p.m.?
20 A Louie Restivo.
21 Q And at 3:34 p.m.?
22 A Two, but it has here, "Two unknown white males arrived in
23 Mercedes-Benz" and gives the license plate.
24 Q Tell the jury the license plate numbers of those
25 individuals.

A It's New York 6YP117 and they are then observed entering the 884 Myrtle.

Q And if I could just direct your attention to page 5 of your report, the license plate printouts. At this time, who was that license plate registered to?

A It comes back to Silver Star Motors, Inc., 3611 Northern Boulevard, Long Island City, New York.

Q And just above that?

A A dealer assignment.

Q What time did your surveillance conclude that day?

A 4:11 p.m.

Q I would like to direct your attention now to report SS1, a surveillance on March the 19th of 1990. Where did you conduct surveillance that day?

A This was a moving surveillance. It started at 6434 Fitchett Street, Rego Park, Queens, New York.

Q As you testified today, do you recall what was at that location?

A Yes. That was the residence of Louie Restivo.

Q What did you observe at approximately or what was observed at approximately 2:38?

A Louie Restivo was in his vehicle, ACL 214, New York.

Q And directing your attention to 2:34, what did Louie Restivo do?

A At 2:32, he was observed driving, departed the residence.

1 Q And at 3:07, what observations were made?
2 A Sal Vitale and Anthony Spero were observed in
3 conversation walking along, east on 101st Avenue. Laurence
4 Netter and one unknown white male exited a black Monte Carlo
5 with New York tags XKR610, which was parked on the corner of
6 Rockaway Boulevard and 87th Street and enter 8616 Rockaway
7 Boulevard, Astro Fences.
8 Q Astro Fence, you said, Astro Fences?
9 A Yes.
10 Q And do you recall who was associated with Astro Fences?
11 A Vinnie Asaro.
12 Q Do you see him in the courtroom today?
13 A Yes, I do.
14 Q Can you please point to him and describe an article of
15 clothing he's wearing.
16 A Dark gray sweater, I guess.
17 THE COURT: Indicating the defendant.
18 MS. GERDES: Thank you, Your Honor.
19 Q At 3:29 p.m., what was observed?
20 A Anthony Urso exists the garage door of the Sunshine
21 Simoniz at 8611 101st Avenue, places a white plastic bag in
22 the trunk of his vehicle, New York VJH900, and then enters a
23 brown door directly south of the entrance to 8616 Rockaway
24 Boulevard.
25 Q At 3:36 p.m.?

1 A Two unknown white males arrive in a small convertible, a
2 Mercedes-Benz, New York tag 6YP117, exit the vehicle and enter
3 Sunshine Simoniz at 8611 101st Avenue office, door located on
4 87th Street.
5 Q And if I could direct your attention to page 14, you said
6 you observed two white males arrive in a small convertible
7 Mercedes Benz, New York tag 6YP117. Who was that vehicle
8 registered to as of March 19th of 1990?
9 A Vincent A. Asaro, 75 Crystal Beach Boulevard, Moriches,
10 New York.
11 Q Fair to say that's the same am vehicle that was
12 registered to a dealer back on November 30th of 1989?
13 A That's correct, same registration.
14 Q Thank you.
15 And the two white males who exited that vehicle, where
16 did they then go?
17 A They went into the door located on the 87th Street.
18 Q Directing your attention to 3:34 p.m., what did you --
19 what was observed at that time?
20 A 3:44?
21 Q Correct.
22 A Okay. 3:44, Anthony Urso exits garage door of the
23 Simoniz garage and walks to the triangle shop.
24 Q Directing your attention to 3:51 p.m.
25 A One unknown white male with red hair exits.

1 Q And did you also see a second unknown white male at that
2 time?
3 A Yes.
4 Q What vehicle was observed at that time?
5 A New York registration 3X Lincoln 974.
6 Q Directing your attention to page 9, who was that vehicle
7 registered to?
8 A Anthony Valenti, 137-23 79th Street, Howard Beach,
9 New York.
10 Q Date of birth?
11 A 7/10/1967.
12 Q And the last name was spelled V-A-L-E-N-T-I; is that
13 correct?
14 A Correct.
15 Q I am going to show you what is in evidence as
16 Government's Exhibit, 625-A. What is depicted in this
17 photograph?
18 A Astro Fence and the social club that was next door to it.
19 Q And where in relation to the Astro Fence sign that I'm
20 pointing to was the door to the social club? (Indicating.)
21 A To the left, yes.
22 Q With this roll gate on top?
23 A Yes, yes.
24 Q And you said that the series of photographs were
25 photographs that you took during the course of your

1 surveillance that day or that were taken during the course of
2 your surveillance?
3 A Yeah, they were taken, correct.
4 Q Who is depicted in 625-C?
5 A That's Anthony Urso, also known as Tony Green.
6 Q 625-D?
7 A Anthony Urso.
8 Q 625-E?
9 A To the left, Frank Porco; to the right, Larry Netter.
10 Q 625 F?
11 A Looks like a fuzzy photo of Vinnie Asaro.
12 Q Do you know the individual in 625-H?
13 A No, I do not.
14 Q 625-I?
15 A Yes, that's James -- Jimmy T, James Tartaglione.
16 Q 625-K?
17 A No.
18 Q 625-M?
19 A To the right is Anthony Spero and to the left is Anthony
20 Urso, Jr.
21 Q That's Tony Green's son, then?
22 A That's correct.
23 Q 625-P?
24 A That's, I guess, Baro (ph) Cammarata.
25 Q 625-Q?

A Peter Rosa.
Q 625-R?
A Looks like a fuzzy photograph of Vinnie Asaro.
Q And what vantage point is this? Where is the door to the social club, if you can tell?
A Again, to the left of the fence company, the fence sign.
Q So to the right of this rainbow?
A To the right of the rainbow, correct, in between the two, yes.
MS. GERDES: Your Honor, with the Court's permission, if the witness to please step down to identify those individuals on the exhibit board and as soon as the identifications are made, I will display them to the defendant.
THE COURT: Go ahead.
THE WITNESS: Thank you.
Q Beginning first with Government's Exhibit 625-1, below the individual's head.
A (Witness complying.)
MS. GERDES: (Counsel showing exhibit to the defendant.)
Q Mr. Silvern, I would like to direct your attention to March the 21st of 1990. Where did you conduct surveillance that day?
A At the Astro Fence and the social club that was there.

1 Q The same Astro Fence that we just saw in the pictures?
2 A Right.
3 Q I would like to direct your attention now to 3:53 p.m.
4 that day. What did you observe?
5 MS. COOLEY: SS2.
6 MS. MACEDONIO: Thanks.
7 A At 3:53 p.m., Vincent Asaro and one white male wearing a
8 leather jacket arrived at the location driving 6YP117,
9 New York, and entering Simoniz entrance.
10 Q And looking at page 8 of the surveillance report at the
11 top, the 6YP117, the Mercedes, who was that registered to?
12 A Vincent Asaro.
13 Q Directing your attention now to 3:57 p.m., what did you
14 observe?
15 A Vincent Asaro wearing a white shirt exits Simoniz door
16 and yells at a small school bus who stops in front of Astro
17 Fences. Asaro and driver talk and bus departs while Asaro
18 enters Astro Fences.
19 Q 4:02 p.m.?
20 A Gaspar Cammarata and one white male operating 9YK188
21 arrive at that location.
22 Q And what license plate did you observe at approximately
23 that time beginning 3XL?
24 A Well, also at that time, white male blue jumpsuit exits
25 Simoniz door and enters 3XL974, New York, and departs.

Q Directing your attention to page 7 of your report, who was that vehicle registered to?
A Anthony V-A-L-C-E-N-T-I, DOB 7/10/67.
Q V-A-L, and then something N-T-I? Looks like a "C" or an "E"; is that fair to say?
A Yeah, V-A-L, something, something, T-I, first name Anthony, maybe.
Q What was observed at 4:12 p.m. that day?
A Vinnie Asaro wearing white shirt exits Astro Fences and enters club.
Q 4:17 p.m.?
A Anthony Urso arrives and he enters the club.
Q 4:18 p.m.?
A Window shades and door and windows of club are closed all the way.
Q Showing you Government's Exhibit 626-A, do you recognize this individual?
A No, I'm sorry, I don't.
Q 626-B?
A Vinnie Asaro.
Q 626-C?
A Gaspar Cammarata.
Q 626-E?
A Vinnie Asaro.
Q 626-F?

1 A Anthony Urso, Tony Green.
2 MS. GERDES: With the Court's permission, if the
3 witness could make an identification on the exhibit board.
4 THE COURT: Yes, go right ahead.
5 Q 626-1.
6 A (Witness complying.)
7 MS. GERDES: (Counsel showing exhibit to the
8 defendant.)
9 Q Mr. Silvern, may I please direct your attention now to
10 March the 22nd of 1990 and ask to you look at SS3.
11 A Yes.
12 Q Where did your surveillance begin that day?
13 A Same -- same location.
14 Q At approximately what time did the surveillance begin?
15 A 4:55 p.m.
16 Q What did you observe at approximately 5:03 p.m.?
17 A That Francesco Navarro departs the club.
18 Q What did you observe at approximately 5:09 p.m.?
19 A Red Corvette pulled up in front of the club, unknown
20 white male departs and enters club. The tag was 9J as in
21 "John," Y as in "Yankee" 474.
22 Q Directing your attention to page 4 of this report, who
23 was that tag registered to?
24 A Judy A. Giallanzo, G-I-A-L-L-A-N-Z-O, DOB 3/16/62.
25 Q And it was a male that exited that vehicle?

A Correct.
Q Directing your attention to 5:25 p.m., what did you observe?
A Restivo departs with unknown white male from rear fence area and Restivo disappears.
Q 5:28?
A Vinnie Asaro loads up the vehicle 6YP117, closes gate in front of club doorway.
Q And this is the same license plate of the Mercedes?
A Yes.
Q 5:31 p.m.?
A Cream color, short jacket and glasses depart in 6YP117 down Rockaway Boulevard, wrong side of the road into oncoming traffic.
Q May I please display Government's Exhibit 627-B in evidence. Actually, 627-C is probably an easier photograph. Who is this individual in 627-C?
A Vinnie Asaro.
Q 627-A, did you know this individual at the time?
A No.

(Continued on the next page.)

1 DIRECT EXAMINATION (Continued)
2 BY MS. GERDES:
3 Q Mr. Silvern, I may now direct your attention to SS4 and
4 your surveillance conducted on March 28, 1990.
5 A Okay.
6 Q Where did you begin the surveillance that day?
7 A 8611 Rockaway Boulevard, Queens, New York.
8 Q What did you observe at 12:23 p.m.?
9 A Asaro departs club.
10 Q And the same license plate?
11 A 6YP117.
12 Q And what did you observe at 1:09 p.m. that day?
13 A Vince Asaro pulls in front of club wearing a blue/black
14 top in 6Y, the same vehicle, and enters the club.
15 Q I'm now going to direct your attention to page three at
16 1:39 p.m.
17 A Makes reference to an entry at 1:34. That individual
18 exits club, closes security gate of fence company, and
19 departs in 24A750 Jerry Asaro.
20 Q And 1:54 p.m.?
21 A Jerry Asaro returned in same vehicle with a boxload of
22 parts.
23 Q If I show you photographs, the individual in 628-A --
24 this is in evidence.
25 A Vinnie Asaro.

1 Q And 628-D you said?
2 A Vinnie Asaro.
3 Q Directing your attention now to March the 29th of 1990,
4 SS5, where did you conduct surveillance on that same date?
5 A Same location, 8611 Rockaway Boulevard, Queens, New
6 York.
7 Q What time did the surveillance begin?
8 A 1:52 p.m.
9 Q What did you observe at 2:55 p.m.?
10 A One unknown white male wearing a brown leather jacket,
11 possibly Carmine Peluso.
12 Q 3:15 p.m.?
13 A Asaro's son from 3:14 p.m. entry, exits the Triangle
14 Shop towards the club. James Tartaglione parks in New York
15 6YP126 on Rockaway Boulevard and enters club.
16 Q 3:17 p.m.?
17 A Louie Restivo and Vito Grimaldi observed walking into a
18 fenced in area on 101st Street.
19 Q 4:04 p.m., page four?
20 A Vinnie Asaro arrives in NY 6YP117, drives around block
21 and parks vehicle on Rockaway Boulevard, exits vehicle
22 dressed in all black and enters club.
23 Q 5:29 p.m.?
24 A Vinnie Asaro's son arrives in New York 2UA750 and
25 enters club.

Q You said you also took photographs or there were photographs taken that date?
A Correct.
Q Do you recognize the individual in Government Exhibit 629-A in evidence?
A It appears like Jerry Asaro.
Q 629-E?
A Arty Sabella.
Q Say that name again?
A Arty Sabella.
Q 629-F?
A Red Hubert.
Q Directing your attention to a final surveillance report, SS7, January 9, 1992. Where did you conduct surveillance on this particular date?
A 6964 Grand Avenue, Queens, Maspeth.
Q What time did the surveillance begin?
A 1300.
Q Did you know what was at this location?
A Yes.
Q What?
A This was a social club that was associated with the Bonannos.
Q Directing your attention to 2:21 p.m. on page three, what was observed at that time?

1 A Larry Restivo lured through fence gate and entered the
2 club.
3 Q 2:56 p.m.?
4 A J Cardello through the fence gate into club.
5 Q And J Cardello you know to be Jimmy Cardello?
6 A James Cardello, yes.
7 Q James. Directing your attention now through 3:12 p.m.?
8 A J. Cardello through fence gate and into club D. Antoni
9 through fence gate and in club.
10 Q 3:19 p.m.?
11 A Joe Marsala through fence gate behind law office.
12 Q There was a law office in the vicinity of that social
13 club?
14 A Yes.
15 Q 3:20 p.m.?
16 A Marsala into club.
17 Q 3:27 p.m.?
18 A Jimmy -- I'm having a problem reading it.
19 Q Does it appear to be J, G-a-l-a-n-t-e?
20 A Oh, okay. Jim Galante. Yeah. Yeah. Galante.
21 Q Directing your attention to 3:49 p.m., what was
22 observed at that time?
23 A Cammarata arrives.
24 Q 3:52 p.m.?
25 A Cammarata through the fence gate and into the club.

1 Q 4:20 p.m. on page five?
2 A An unknown white male into the club possibly Licata.
3 Q L-i-c-a-t-a?
4 A Yes.
5 Q 4:37 p.m.?
6 A Vinnie Asaro through the fence gate and in the club.
7 Q 4:40 p.m.?
8 A Louie Restivo down alley and into club.
9 Q 4:41 p.m.?
10 A Bonanno out through the fence gate.
11 Q 4:57 p.m.?
12 A Tartaglione into club.
13 Q 4:59 p.m.?
14 A DeStefano, Cardello, and Sabella all in the club.
15 Q Directing your attention to page eight now, 5:06 p.m.
16 A Navarro through fence gate and in the club.
17 Q 5:16 p.m.?
18 A Lou Restivo through fence gate and in the club.
19 Q And 5:57 p.m.?
20 A John -- J. Licata out of the club. Licata on pay
21 phone.
22 Q Page 10, at 6:12 p.m.?
23 A Vinnie Asaro out.
24 Q 6:22 p.m.?
25 A Vitale in club doorway.

1 Q 6:23 p.m.?
2 A Vitale and Urso out.
3 Q 6:27 p.m.?
4 A Jerry Asaro out of the club and through fence gate.
5 Q 8:22 p.m. on page 13?
6 A Vitale out, Tartaglione out, DeFilippo out, Urso,
7 Riccardi (phonetic), Cammarata, L. Restivo all out, all
8 through the fence gate.
9 MS. GERDES: Thank you very much.
10 THE WITNESS: Except DeFilippo and Tartaglione
11 walk up alley.
12 MS. GERDES: Thank you very much, Mr. Silvern.
13 THE COURT: Any cross?
14 MS. MACEDONIO: I have no questions, no.
15 THE COURT: Thank you very much. You're excused.
16 THE WITNESS: Thank you, Judge.
17 (Witness leaves the witness stand.)
18 MS. MACEDONIO: Can we take five minutes?
19 THE COURT: Yes.
20 (Jury is out of the courtroom at 4:15 p.m.)
21 (Proceedings recessed and recalled.)
22 (Jury is in the courtroom at 4:20 p.m.)
23 THE COURT: Please be seated.
24 MS. GERDES: Thank you, your Honor. The
25 government's next witness is get name.)

1

2 **MATTHEW ZEUMANN**, called by the Government, having been first
3 duly sworn, was examined and testified as follows:
4 COURTROOM DEPUTY: Please state and spell your
5 name for the record.
6 THE WITNESS: Last name is Z-e-u-m-a-n-n, first
7 name Matthew.
8 DIRECT EXAMINATION
9 BY MS. GERDES:
10 Q Mr. Zeumann, are you currently employed?
11 A No.
12 Q Are you retired?
13 A Yes.
14 Q Did you previously work for a law enforcement agency?
15 A Yes.
16 Q Which agency?
17 A US Attorney's office, Southern District.
18 Q How many years did you work for the US Attorney's
19 office in the Southern District?
20 A 16 years.
21 Q What was of your role there?
22 A I was a law enforcement coordinator, and I worked
23 organized crime cases, narcotics cases, and home invasion
24 cases.
25 Q And what did you do prior to joining the US Attorney's

office?
A The NYPD, I was a detective for 24 years.
Q What section of the NYPD were you in.
A At the end, it was the intelligence division.
Q I'd like to talk to you about two surveillances that you conducted back on March the 4th of 1995 and May the 17th and May the 18th of 1995.
MS. GERDES: Your Honor, if I could approach the witness with two reports?
THE COURT: Yes.
(Documents handed.)
BY MS. GERDES:
Q Mr. Zeumann, is it fair to say that you don't recall every detail of those surveillances as you sit here and testify today some years later?
A Yes.
Q Are those reports accurate?
A Yes.
MS. GERDES: Your Honor, with the Court's permission, if the witness can please read from portions of the report.
THE COURT: Please go ahead.
MS. GERDES: Thank you.
Q Mr. Zeumann, I'm going to direct your attention first to MZ-1. Where did you conduct surveillance that day?

1 A Russo's on the Bay, Cross Bay Boulevard in Queens.
2 Q What event was being held at Russo's on the Bay on
3 March 4th, 1995?
4 A Vincent Asaro's daughter's wedding.
5 Q And if you could please indicate the individuals
6 highlighted who were present at the wedding reception for
7 Vincent Asaro's daughter?
8 A Yes. Santo Aiosa, Jerome --
9 Q Once second, last name spelled A --
10 A A-i-o-s-a.
11 Q Go ahead.
12 A Jerome Asaro, Vincent Asaro, Joseph Cammarano; Joseph,
13 Junior and Senior, Vincent D'Antoni, Anthony Graziano, Vito
14 Grimaldi, Frank Lino, James Tartaglione.
15 Q Last name spelled T-a-r-t-a-g-l-i-o-n-e?
16 A Yes.
17 Q Go ahead.
18 A Anthony Urso and Salvatore Vitale.
19 Q Were license plates recorded of vehicles that were at
20 the parking lot of the wedding reception?
21 A Yes.
22 Q If I could direct your attention now to page four of
23 this report; specifically, license plate B211ZF, who that
24 was vehicle registered to?
25 A Catherine Indelicato.

1 Q At which address?
2 A 78-02 160th Avenue, Queens, New York.
3 Q What's her date of birth?
4 A 1/15/58.
5 Q And that vehicle was in the parking lot at Russo's On
6 the Bay at this wedding receptionist?
7 A Yes.
8 Q If I could now turn your attention to MZ-2. Did you
9 conduct surveillance on May 17 and May 18 of 1995 at the
10 wake of Henry Bono?
11 A Yes.
12 Q Where was this wake held?
13 A Harden Funeral Home, Northern Boulevard in Queens.
14 Q If you could please indicate the names of the
15 highlighted individuals who were in attendance at this weak?
16 A Jerome Asaro, Vincent Asaro, Generosa or Barbieri.
17 Q Last name spelled B-a-r-b-i-e-r-i?
18 A Yes.
19 Q Go ahead.
20 A Joseph Cammarano, Sr., Joseph Cammarano, Jr., Gaspare
21 Cammarata, Vincent D'Antoni, Thomas DiFiore.
22 Q Second page?
23 A Vito Grimaldi, Frank Lino, Frank Porco, Louis Restivo,
24 Gerlando Sciascia?
25 Q Last name spelled S-c-i-a-s-c-i-a?

A Yes.
Q Go ahead.
A James Tartaglione.
Q Last name spelled T-a-r-t-a-g-l-i-o-n-e?
A Yes. And Vincent Vitale -- no, Salvatore Vitale.
Q If I could direct your attention please to page 25 of your report. There was a 1990 -- excuse me 1988 blue Lincoln at this wake?
A Yes.
Q What was the license plate of that vehicle?
A G796JL.
Q Who was the vehicle registered to?
A Vincent A. Asaro.
Q What was the address of the registration?
A 86-05 Rockaway Boulevard, Queens, New York.
MS. GERDES: Thank you very much, Mr. Zeumann. I have no further questions.
MS. MACEDONIO: I have no questions, Judge.
THE COURT: Thank you. You're excused. Thank you very much.
THE WITNESS: Okay. Thank you, your Honor.
(Witness leaves the witness stand.)
MS. COOLEY: Your Honor, the government calls Robert Soda.
(Witness enters the courtroom.)

1

2 **ROBERT SODA**, called by the Government, having been first duly
3 sworn, was examined and testified as follows:
4 COURTROOM DEPUTY: Please state and spell your
5 name for the record.
6 THE WITNESS: What's that?
7 COURTROOM DEPUTY: Please state and spell your
8 name for the record.
9 THE WITNESS: Oh, Robert Soda, S-o-d-a, last name.
10 COURTROOM DEPUTY: Thank you.
11 DIRECT EXAMINATION
12 BY MS. COOLEY:
13 Q Good afternoon. Are you currently employed?
14 A Yes.
15 Q And where do you work?
16 A In --
17 Q Generally speaking, where do you work?
18 A Oh, New York, Astoria.
19 Q For how long have you -- strike that.
20 Did you previously work in law enforcement?
21 A Yes.
22 Q And where did you work?
23 A 106th precinct.
24 Q For the New York City Police Department?
25 A Yes.

Q What was your title there?
A Patrolman.
Q And for how many years did you work at the NYPD?
A 20 years.
Q Where is the 106 precinct?
A Liberty Avenue and 101st Street.
Q Were you working as a police officer for the NYPD on October 27, 1981?
A Yes.
Q Where were you assigned at that time?
A The 106 precinct.
Q On that date, did you interview an individual about a complaint he had filed?
A Yes.
Q And what did that complaint relate to?
A Stolen boat. He claimed stolen boats.
Q And sitting here today, do you remember the exact details of the person who had filed that complaint?
A Not really.
MS. COOLEY: Your Honor, may I approach the witness?
THE COURT: Yes.
(Documents handed.)
Q Mr. Soda, I'm showing you what's been marked as Government Exhibit 3500-RS-1. Do you recognize this

1 document?
2 A Yes.
3 Q What is it?
4 A This is the complaint form UF61 that I prepared on that
5 date.
6 MS. COOLEY: Your Honor, I ask that the witness be
7 permitted to read into the record very limited portions of
8 this document.
9 THE COURT: Any objection?
10 MS. MACEDONIO: Depending on the question, no
11 objection.
12 THE COURT: Okay.
13 MS. COOLEY: Thank you, your Honor.
14 BY MS. COOLEY:
15 Q And, Mr. Soda, is it fair to say that your memory of
16 those events, in order to remember those events, you need to
17 refer to your report?
18 A Yes.
19 Q And so what was the name of the man you interviewed who
20 filed this complaint about a boat?
21 A Robert Giallanzo.
22 Q And where did he live?
23 A 159-26 90th Street, Howard Beach.
24 Q And you met with him on October 27, 1981; is that
25 right?

1 A Yes.
2 Q When had he filed a complaint regarding this stolen
3 boat?
4 A On -- on 10/21. October 21st?
5 Q Is it first to say it was before the 27th, shortly
6 before the 27th of 1981?
7 A Yes.
8 Q And what type of boat was it that was reported stolen?
9 A A super boat.
10 Q And was the nature of the complaint that this boat had
11 not been taken with Mr. Giallanzo's permission?
12 A Yes.
13 Q And you documented the complaint after you interviewed
14 him?
15 A Yes.
16 Q Directing your attention to the late fall of 1983, did
17 you testify at that time in federal court relating to this
18 complaint by Mr. Giallanzo?
19 A Yes.
20 Q And who was the defendant in that case?
21 A I assume it was Robert --
22 MS. MACEDONIO: Objection.
23 THE COURT: Do you know?
24 THE WITNESS: No.
25 THE COURT: Oh, it's on his sheet.

1 MS. COOLEY: I'll withdraw the question, your
2 Honor. I'll ask a better question.
3 Q There was a criminal trial; is that correct?
4 A Yes.
5 Q And there was a defendant there; is that right?
6 A Yes.
7 Q And you testified about the events, including your
8 interview of Mr. Giallanzo and the complaint he filed?
9 A Yes.
10 Q And so you were a witness for the prosecution; is that
11 correct?
12 A Yes.
13 Q And where was the courthouse, if you recall?
14 A I don't recall.
15 Q Was it in Brooklyn?
16 A Brooklyn somewhere, but I don't know where.
17 MS. COOLEY: Your Honor, I have no further
18 questions.
19 MS. MACEDONIO: I have no questions, your Honor.
20 THE COURT: Thank you very much. You're excused.
21 (Witness leaves the witness stand.)
22 MS. GERDES: Your Honor, the government's next
23 witness is Gerald Ryan.
24 (Witness enters the courtroom.)
25

1 **GERALD RYAN**, called by the Government, having been first duly
2 sworn, was examined and testified as follows:
3
4 COURTROOM DEPUTY: Please state and spell your
5 name for the record.
6 THE WITNESS: Gerald, G-e-r-a-l-d, middle initial
7 "P" as in Patrick, Ryan, R-y-a-n, Junior.
8 COURTROOM DEPUTY: Thank you.
9 MS. GERDES: Thank you, your Honor.
10 DIRECT EXAMINATION
11 BY MS. GERDES:
12 Q Mr. Ryan, are you currently employed?
13 A Yes, I am.
14 Q By whom?
15 A Flushing Hospital and Medical Center.
16 Q What did you do prior to joining that Medical Center?
17 A I was the security director at Long Island Jewish
18 Medical Center in Queens.
19 Q Let's talk about your experience in law enforcement.
20 What law enforcement agency did you work for?
21 A The Federal Bureau of Investigation.
22 Q And when did you work for the FBI?
23 A I was a support person, a clerk from 1969 to 1976. In
24 1976, was appointed special agent position. And in 1999, I
25 was promoted to a supervisory special agent position.

1 Q How many years were you with the FBI?
2 A 35.
3 Q In your capacity as a special agent with the FBI, did
4 you conduct surveillances?
5 A Yes, I did.
6 Q I'd like to talk to you about one of the surveillances
7 you conducted on July the 10th of 1996.
8 MS. GERDES: With the Court's permission, if I
9 could give the witness the report?
10 THE COURT: Yes.
11 (Document handed.)
12 Q Now, during this time period, Mr. Ryan, in July of
13 1996, which squad were you assigned to?
14 A Squad SO-3. Special Operations-3.
15 Q And what types of cases did you investigate on that
16 squad?
17 A Primarily, organized crime.
18 Q This surveillance now, July the 10th of 1996, as you
19 sit here and testify today, are you able to recall all of
20 the details by memory?
21 A No, I'm not.
22 Q Was a report prepared documenting the events of the
23 surveillance?
24 A Yes, there was.
25 Q Is the report accurate?

A Yes, it is.

MS. GERDES: Your Honor, with the Court's permission, if the witness could read from the report as an aid during his testimony?

THE COURT: Please proceed.

MS. GERDES: Thank you.

Q Mr. Ryan, where did your surveillance begin that day?

A On Flatlands, 10th Street in Brooklyn.

Q What is at that location?

A It's the residence of Lenny DiMaria, capo in the Gambino Crime Family.

Q What time did the surveillance begin?

A Approximately 7:15 a.m.

Q What, if anything, occurred at 9:27 a.m.?

A I observed Lenny DiMaria depart the residence in a brown Chevrolet.

Q Where did Mr. DiMaria go?

A He drove to the Chelsea House, which is located in Howard Beach on Cross Bay Boulevard in the Belt Parkway Service Road.

Upon arriving there, he used a pay phone in front of the Chelsea House three times.

Q And after Mr. DiMaria used the pay phone three times, what, if anything, did he do?

A Approximately five to six minutes later he entered a

1 blue Lincoln Continental on the passenger side, and Vincent
2 Asaro was in the driver's seat.
3 Q Do you know Vincent Asaro?
4 A Yes, I do.
5 Q Do you see him in the courtroom today?
6 A Yes, he's seated right at the table there with a grey
7 sweater.
8 THE COURT: Indicating the defendant.
9 MS. GERDES: Thank you.
10 Q So Mr. DiMaria entered a blue Lincoln and the defendant
11 was in the driver seat of that Lincoln?
12 A That's correct.
13 Q What was the license plate of that Lincoln?
14 A It was a New York license's plate G796JL.
15 Q And what time was it that Mr. DiMaria entered the
16 vehicle that the defendant was in?
17 A Approximately 955 a.m.
18 Q What, if anything, happened after that?
19 A After approximately six minutes, Lenny DiMaria exited
20 and departed in his brown Chevy and drove across the Street
21 into a Waldbaums parking lot where he met with Ronnie
22 Trucchio.
23 Q And what happened next?
24 A Shortly thereafter, Charles Carneglia arrived and
25 Trucchio left in his Lincoln Continental. Lenny DiMaria

1 entered Charles Carneglia's red Pontiac and they departed
2 the area and drove to Farmingdale to a bowling alley, County
3 Line Bowling Alley.
4 Q What time was it that Charles Carneglia meets with
5 Lenny DiMaria and Ronald Trucchio?
6 A Approximately 10:10 a.m.
7 Q And then you said Lenny DiMaria and Carneglia departed
8 in a red Pontiac?
9 A Yes.
10 Q Directing your attention now to 10:47 a.m., what, if
11 anything, occurred at that time?
12 A Charles Carneglia and Lenny DiMaria drove around the
13 neighborhood in Farmingdale, the neighborhood of the bowling
14 alley. And then returned and drove into the parking lot of
15 a Key Food shopping center, and they parked the car and got
16 out and walked around.
17 Q And what did Mr. Carneglia do at 11:11 a.m.?
18 A He parked the car and they both got out and they
19 entered a black Cadillac. There were two white males in the
20 front of the Cadillac; Carneglia and DiMaria got into the
21 rear and the Cadillac departed the area.
22 Q So there were four individuals in the Cadillac when it
23 departed?
24 A That's correct.
25 Q Lenny DiMaria, Charles Carneglia and two unknown

1 individuals, two unknown males?
2 A That's correct.
3 Q And what happened at noon?
4 A The first two white males that were in the front of
5 that Cadillac I think drove around the area of Long Beach
6 where they had gone previously.
7 The Cadillac arrived in Long Beach on Shore Road,
8 and it was parked there, and I observed them later on
9 driving around the neighborhood of Long Beach.
10 Q And what was observed at 12:18 p.m.?
11 A I observed Lenny DiMaria, Charles Carneglia and Tommy
12 Gioeli, a capo in the Colombo family walking around the
13 neighborhood.
14 Q When you say "the neighborhood" this is on Shore Road?
15 A In Long Beach, yes.
16 Q And then what occurred at 12:22 and 12:23?
17 A One of the two males from the front of the Cadillac
18 that was driven from Farmingdale used a pay phone at the
19 bagel store in Long Beach on Pacific Street.
20 Q And approximately 12:55 p.m. what did you observe?
21 A 12:55 p.m. was after --
22 Q Go ahead. Say that again.
23 A We terminated the surveillance at 12:35.
24 MS. GERDES: I have nothing further, your Honor.
25 MS. MACEDONIO: No questions.

THE COURT: Thank you very much. You're excused.

(Witness leaves the witness stand.)

MS. ARGENTIERI: Judge, could we have just one minute?

(Pause.)

MS. ARGENTIERI: The Government calls Anthony Zampogna.

(Witness enters the courtroom.)

ANTHONY ZAMPOGNA, called by the Government, having been first duly sworn, was examined and testified as follows:

COURTROOM DEPUTY: Please state and spell your name for the record.

THE WITNESS: Anthony, middle initial "L", Zampogna, Z-a-m-p-o-g-n-a.

COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. ARGENTIERI:

Q Good afternoon.

A Good afternoon, ma'am.

Q Where do you work?

A I work for the FBI at the Newark, New Jersey field office. I'm a supervisor special agent.

Q And prior to that, did you work in the New York office?

1 A I did, until April of 2007.
2 Q What did you join the FBI?
3 A I joined the FBI in April of 1996.
4 Q Directing your attention to February 6, 2007, on that
5 day what squad were you a signed to?
6 A I was assigned to squad C-10 the Bonanno squad.
7 Q When you say the "Bonanno squad, did that squad
8 investigate the Bonanno crime family at that time?
9 A Yes, ma'am.
10 Q Now, on February 6, 2007, what was your specific
11 assignment that day? What were you doing?
12 A I was leading a team that was executing an arrest
13 warrant of Nicholas Santora.
14 Q And you had an arrest warrant for Nick Santora issued
15 by a federal judge?
16 A Yes, I did.
17 Q And on that day, without giving the specific address,
18 but what neighborhood were you executing the arrest warrant
19 in?
20 A Middle Village, Queens.
21 Q Where did you execute the arrest warrant?
22 A At Mr. Santaro's residence.
23 Q Did you arrest him that day?
24 A I did.
25 Q As part of that arrest, did you seize evidence?

A I did, yes.
Q What evidence did you seize?
A There was a phonebook, address book that he had at his residence.
Q And when you -- after you seized that book, did you voucher it into evidence with the FBI?
A Yes, ma'am.
MS. ARGENTIERI: Judge, may I show just the witness something?
THE COURT: Yes.
Q Have you had an opportunity to look through the book today prior to your testimony?
A Yes, briefly.
Q And what is this, Government Exhibit 704 for identification?
A That is the phonebook that I seized on that date from Mr. Santora's residence.
MS. ARGENTIERI: I move to admit it.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government Exhibit 704 is admitted into evidence.)
Q Do recall if this phonebook was found on Mr. Santora's coffee table?
A I do.

1 Q And were these papers inside it?
2 A Yes, ma'am.
3 Q Looking at this white piece of paper, can you read what
4 it says?
5 A "Joe Blond."
6 Q And the phone number?
7 A (646) 249-2602.
8 Q At the page for "A" can you read this name?
9 A Frank Adamo.
10 Q At the second page for "A" can you read this name?
11 A Vinnie Asaro.
12 Q And are there three phone numbers listed?
13 A Yes.
14 Q To save us all, I'm not going to have you read them,
15 because this is going into evidence.
16 On the next page, can you read this name?
17 A Bari.
18 Q Page "C"?
19 A Mike Cassese.
20 Q On the page for "E"?
21 A Elmo.
22 Q The page for "F"?
23 A Flemo.
24 Q The page for "G"?
25 A Jimmy G.

1 Q The page for "H"?
2 A Red Hubert.
3 Q The page for "L"?
4 A Louie Cigar.
5 Q The page for "R"?
6 A Anthony Ribito.
7 Q Now, at the page for "V", what does it say here at the
8 second line?
9 A It looks like Vito/TG.
10 Q And then below that?
11 A Vinnie TV.
12 Q Was there a Vinnie TV?
13 A I know of a Vinnie TV.
14 Q Now, at the last page, the fourth, do you know on this
15 line, can you read what it says?
16 A Barosa.
17 Q And the below that?
18 A Conos.
19 MS. ARGENTIERI: I have no further questions.
20 CROSS-EXAMINATION
21 BY MS. MACEDONIO:
22 Q Good afternoon, agent.
23 A Good afternoon, ma'am.
24 Q This is a book that you said you seized pursuant to the
25 execution of a search warrant?

1 A An arrest warrant.
2 Q And you were arresting Nicholas Santaro?
3 A Yes, ma'am.
4 Q At his home?
5 A Yes.
6 Q And this was a book that was found on the coffee table?
7 A Yes.
8 Q You, yourself, have no independent knowledge as to
9 whether or not this book actually belonged to Mr. Santaro,
10 right?
11 A I advised Mr. Santaro that I was taking the book. I
12 believe I had him sign a receipt.
13 Q Okay. So it was found in his residence, right?
14 A Yes.
15 Q But you, yourself, have no idea how the names got into
16 the book?
17 A No.
18 Q And you have no idea who put the names in the book,
19 right?
20 A Yes, ma'am, that's correct.
21 Q And you have no idea if the information corresponded is
22 accurate, right?
23 A Yes, ma'am.
24 Q And you have no idea when the names were put in the
25 book, right?

A It was before that date on.
Q Sometime before that day?
A Yes, ma'am.
Q You didn't put them in afterwards, correct?
A No, ma'am.
MS. MACEDONIO: Thank you. I have no further questions.
MS. ARGENTIERI: I have nothing further.
THE COURT: Thank you very much. You're excused.
THE WITNESS: Thank you, your Honor.
(Witness leaves the witness stand.)
(Witness enters the courtroom.)

JOY ADAM, called by the Government, having been first duly sworn, was examined and testified as follows:

COURTROOM DEPUTY: State and spell your name for the record.
THE WITNESS: Joy Adam, J-o-y A-d-a-m.
COURTROOM DEPUTY: Thank you.
DIRECT EXAMINATION
BY MS. ARGENTIERI:
Q Good afternoon.
A Hi.
Q Where do you work?

1 A With the FBI.
2 Q What's your position there?
3 A I'm a special agent.
4 Q How long have you been a special agent with the FBI?
5 A About 24 years.
6 Q And what division do you work in at the FBI?
7 A I'm the criminal division, organized crime.
8 Q Directing your attention to January 23rd of 2014, what
9 squad were you assigned to on that day?
10 A Squad C5, Genovese squad.
11 Q And on that day, what was your specific assignment?
12 A We were conducting arrests that day.
13 Q And who did you arrest?
14 A Jerome or Jerry Asaro.
15 Q And where did you arrest him?
16 A In Bethpage, New York.
17 Q At his house?
18 A Yes.
19 Q And were you arresting him based on a court authorized
20 arrest warrant?
21 A Yes, I was.
22 Q During that arrest, did you seize a phone belonging to
23 Jerry Asaro?
24 A I did.
25 Q And after you seized the phone, did you take it back to

1 the FBI and put it into evidence there?
2 A Yes, I did.
3 MS. ARGENTIERI: Judge, I'd like to show the
4 witness Government Exhibit 711 for identification.
5 Q Now, do you recognize this evidence bag?
6 A Yes, I do.
7 Q Turning it over, do you recognize this as the phone
8 that you seized from Jerry Asaro's house?
9 A Yes. If you move it up; yes. The identification
10 number was on the bottom, yes.
11 Q Now, once it was logged into evidence at the FBI, was
12 it given this NY number?
13 A The CART unit did that, not the evidence unit.
14 Q Okay. But you were able to recognize it from the
15 serial number, correct?
16 A Yes, on the bottom of the phone.
17 MS. ARGENTIERI: Move to admit Government
18 Exhibit 711.
19 MS. MACEDONIO: No objection.
20 THE COURT: Admitted.
21 (Government Exhibit 711 is admitted into
22 evidence.)
23 MS. ARGENTIERI: That's all I have. No further
24 questions.
25 MS. MACEDONIO: No questions.

1 THE COURT: Thank you very much. You're excused.
2 THE WITNESS: All right. Thank you.
3 (Witness leaves the witness stand.)
4 MS. ARGENTIERI: The government calls Special
5 Agent Kevin Riordan.
6 (Witness enters the courtroom.)
7
8 **KEVIN RIORDAN**, called by the Government, having been first
9 duly sworn, was examined and testified as follows:
10
11 COURTROOM DEPUTY: Please state and spell your
12 name for the record.
13 THE WITNESS: Kevin Riordan, R-i-o-r-d-a-n.
14 COURTROOM DEPUTY: Please have a seat.
15 THE WITNESS: Thank you.
16 DIRECT EXAMINATION
17 BY MS. ARGENTIERI:
18 Q Good afternoon.
19 A Good afternoon.
20 Q Where do you work?
21 A I work for the FBI.
22 Q How long have you worked for the FBI?
23 A 18 years, agent for 13.
24 Q And your position there is special agent?
25 A Correct.

Q And where are you currently assigned, what squad?
A C5, organized crime.
Q Directing your attention to January 23rd of 2014, what was your specific assignment on that date?
A To arrest John Ragano.
Q You were part of the arrest team?
A Yes.
Q And were you executing a court-authorized arrest?
A Yes.
Q Where were you arresting John Ragano?
A In Queens; specifically, Rockaway Park.
Q Were you arresting him at his residence?
A Correct.
Q Now, during that arrest, did you seize evidence?
A I did.
Q What evidence?
A A cell phone.
Q Now, you have it in your hand, right?
A Yes.
MS. ARGENTIERI: Judge, my I approach?
THE COURT: Yes.
MS. ARGENTIERI: The witness is looking at, for identification purposes, Government Exhibit 712.
Q Do you recognize that to be the phone that you seized from John Ragano?

A Yes.

MS. ARGENTIERI: I move to admit it, Judge.

MS. MACEDONIO: No objection.

THE COURT: Admitted.

(Government Exhibit 712 is admitted into evidence.)

Q And after you seized the phone, did you voucher it into evidence at the FBI?

A I did.

Q What kind of phone is that?

A It's a Samsung. It's actually the Samsung model GT 19300.

MS. ARGENTIERI: I have no further questions.

MS. MACEDONIO: No questions, Judge.

THE COURT: Thank you very much. You're excused.

THE WITNESS: Thank you.

(Witness leaves the witness stand.)

THE COURT: We'll take a three-minute break. Okay.

(Jury is out of the courtroom at 5:00 p.m.)

THE COURT: How many left?

MS. ARGENTIERI: Two.

THE COURT: Good.

(Proceedings were recessed and recalled.)

THE COURT: I understand that one of the jurors is

not well. He has not asked us to stop the trial, but if we have two very short witnesses, is it just as easy to put them on in the morning? Would you prefer to wait to see what he does and says?

MS. ARGENTIERI: See what he says. I think one witness drove a little bit away, so if we could do that. The other witness is 26 Federal Plaza; he might hate me forever, but I think I can get him back tomorrow.

THE COURT: Okay.

MS. ARGENTIERI: So I think --

THE COURT: Well, let's wait and see what happens.

MS. ARGENTIERI: Okay.

THE COURT: All right. We can finish. The jury is coming in. We need the defendant.

(Pause.)

THE COURT: I understand Mr. Asaro is in a very bad mood and I thought I'd talk to him before we commence.

MS. MACEDONIO: Okay.

THE COURT: Unless you'd like to?

MS. MACEDONIO: No, I'm happy to have you talk with him, your Honor.

THE COURT: Okay.

(Defendant is in the courtroom.)

THE COURT: Mr. Asaro, just wait for a second you're welcome to come up or wait. I understand that you're

1 feeling distressed. We are almost done. We'll be done in a
2 few minutes. It really is in your best interest that --
3 THE DEFENDANT: Your Honor, I want to be part of
4 the case. I want to be part -- this is my case. This is my
5 life.
6 THE COURT: No, no, I understand that.
7 THE DEFENDANT: I know, but I'm not being
8 represented the way I want. All I'm asking is they put 40
9 agents on and 30 agents; they never say it was Mr. Asaro
10 doing anything wrong with all the surveillance? No. All
11 I'm asking is to be part of the case.
12 THE COURT: I understand that, Mr. Asaro, but they
13 are doing something that they are fully permitted to do.
14 THE DEFENDANT: I know that.
15 THE COURT: And there is no choice about what
16 happens here, there really isn't.
17 THE DEFENDANT: I understand that, your Honor, but
18 that's not my argument. My argument is they are just
19 letting everybody say whatever they want, and I -- it's my
20 uncle, they don't even say it's my uncle.
21 THE COURT: All of that, Mr. Asaro --
22 THE DEFENDANT: They don't --
23 THE COURT: Let me just explain. The way a trial
24 works is the evidence goes in, in little pieces; and at the
25 very end, you have a fabulous lawyer, she will make a

summation that will clarify every piece that you want clarified. And using the witnesses to do that doesn't help you, honestly. Okay?

THE DEFENDANT: I just want some input in the case, your Honor. This is my life. This is my life. I'm 80 years old, your Honor.

THE COURT: There is no question. If you would like to speak with her briefly, please go ahead. We have a jury waiting to come back in. I want you to feel comfortable.

THE DEFENDANT: I'm not questioning my lawyer's ability.

THE COURT: As a judge listening to the evidence, there is nothing she can do with these witnesses, but she will argue for you at summation.

THE DEFENDANT: It might be too late, your Honor.

THE COURT: No, no, that's when it's important. The trial is these tiny little building blocks. And there is nothing she can do right now with any of these witnesses that I can imagine.

THE DEFENDANT: I'm not asking her to do miracles, your Honor. All I'm doing is with the FBI agents, after FBI agent, after FBI agent; was Mr. Asaro in all the surveillance committing any crimes? Was he doing anything wrong? That's all I'm asking her.

THE COURT: The problem is: You don't know what they might say if she asks that question. Here, they are constrained. As long as the government doesn't put in certain evidence, they are constrained, okay? They are only -- all they can do is testify to what's in pieces of paper.

THE DEFENDANT: Okay.

THE COURT: And that's it. That's all they're doing.

THE DEFENDANT: Your Honor, I'm not questioning my lawyer's ability. I'm satisfied with my lawyer, your Honor, I'm satisfied with both of them. It's just that I get a little frustrated, because I just want to have a little input into the case.

THE COURT: You have every bit of input, if you want to --

THE DEFENDANT: They get annoyed with me when I say something, your Honor.

THE COURT: When you say things loudly when the jury is in the room, it reflects badly on you, that's what they are concerned about. And they also don't want you to say anything that would violate your privilege. So they are protecting you.

THE DEFENDANT: Okay.

THE COURT: Okay?

THE DEFENDANT: Okay.

1 THE COURT: Okay. So we'll bring the jury in; is
2 that okay?
3 (Jury is in the courtroom at 5:09 p.m.)
4 THE COURT: Please be seated.
5 MS. ARGENTIERI: The government calls Steven
6 flatly.
7
8 **STEPHEN FLATLEY**, called by the Government, having been first
9 duly sworn, was examined and testified as follows:
10
11 COURTROOM DEPUTY: Please state and spell your
12 name for the record.
13 THE WITNESS: Stephen, S-t-e-p-h-e-n, Flatley,
14 F-l-a-t-l-e-y.
15 COURTROOM DEPUTY: Thank you.
16 DIRECT EXAMINATION
17 BY MS. ARGENTIERI:
18 Q How are you? Where do you work?
19 A I work for the Federal Bureau of Investigation; New
20 York division.
21 Q What is your title?
22 A I'm a computer forensic examiner.
23 Q How long have you been a forensic examiner with the
24 FBI?
25 A For ten years now.

1 Q And as part of your role there, do you conduct CART
2 examinations?
3 A Yes. I'm part of the Computer Analysis Response Team
4 or CART, and we collect and process digital evidence from,
5 you know, computers, cell phones, loose media and things of
6 that nature.
7 Q What's your educational background?
8 A I have a Bachelor's degree from Boston College in
9 computer science, and many training classes from the Bureau
10 to be a certified in forensic examinations.
11 Q Have you also -- you said you received training in the
12 field of digital forensics?
13 A Yes, ma'am.
14 Q Now, what training have you received in how to process
15 data from cell phones?
16 A There was a couple of different classes that I received
17 from the Bureau. After I was certified to do computers,
18 after a certain period of time, then they allow you to do
19 more specialized things, like, Macintosh computers and cell
20 phones and things of that.
21 Q More complicated?
22 A Yes, ma'am.
23 Q And have you received certifications?
24 A From the Bureau, yes, ma'am.
25 Q Now, how many cell phones do you think you've examined

1 for the FBI?
2 A Oh, that would be a very difficult number to come up
3 with, but it would probably be approaching a thousand.
4 Q In connection with this case, did you examine three
5 cellar telephones?
6 A Yes, I did.
7 MS. ARGENTIERI: Judge, Government Exhibit 711 and
8 712 are already in evidence. I'm going to offer Government
9 Exhibit 713 subject to connection.
10 THE COURT: Okay. Any problem?
11 MS. MACEDONIO: No, not subject to connection.
12 (Government Exhibit 713 is admitted into
13 evidence.)
14 Q Showing you Government Exhibits 711, 712, and 713, do
15 you recognize those cell phones, sir?
16 A Yes, I do. These are the phones I examined for this
17 case.
18 Q Now, starting with phone 711, what type of phone is
19 that?
20 A This is an Apple iPhone 4.
21 Q And what is the CART number for that phone?
22 A It's New York 0014693.
23 Q And what is that CART number?
24 A That is a number that I put on the phone when I get it.
25 We give every piece of evidence that we take in a unique

1 number to track it.
2 Q Looking at Government Exhibit 712, what type of phone
3 is that?
4 A This is a Samsung phone.
5 Q And did you assign that a CART number?
6 A Yes, I did.
7 Q What phone number is that? I mean, what CART number is
8 that?
9 A It's NY 0014694.
10 Q And what about with regard to Government Exhibit 713?
11 A 713 is New York 0014695, and it is a Samsung flip
12 phone.
13 Q With regard to these three phones, what process would
14 you go through once you receive the phones from evidence?
15 A Well, what we do is we charge the phone to make sure
16 it's got a full battery before we start the examination.
17 With the Samsung phones, I plug it in -- generally
18 would plug it into a machine called a Cellebrite, which
19 tells you what cable to use, and a lot of them have
20 different cables, it tells you what cables to use, and it
21 downloads the contents of the phone, and it puts it into a
22 report that you can view.
23 Q So it downloads the contents of the phone into a
24 report?
25 A Yes, ma'am.

1 Q Does that contain data about identifying information
2 for the phone?
3 A Yes, it does.
4 Q What like is an IMEI?
5 A The IMEI is the international mobile equipment
6 identifier. It is a unique number that's given to every
7 cell phone that's a GS phone, that's a phone that has a SIM
8 card in it. It's not really, but it is -- it's akin to a
9 digital serial number, so that it uniquely identifies that
10 phone on the network.
11 Q So when you examine the phone, do you download the IMEI
12 number?
13 A Yes, and several other identifying bits of information.
14 Q Okay. And also, the contact list?
15 A Yes, if it's possible.
16 Q And photographs and text messages?
17 A Yes, ma'am.
18 Q Basically, any data that can be captured from the phone
19 is downloaded into the report?
20 A Anyone that we -- the phone allows us to see, yes.
21 Q And so did you do that for the three phones in this
22 case?
23 A Yes, I did.
24 Q And then what document is generated from your view; you
25 mentioned a report?

A It's a report, it's generally HTML based. It's like a web page so you can scroll through it and look at things.
Q So I'm going to show you a couple of reports, okay?
A All right.
MS. ARGENTIERI: So this is just for the witness, Judge.
THE COURT: Yes.
Q Government Exhibit 504. Now, is this a CART report that you -- of a phone you downloaded?
A Yes, it is, it's the iPhone.
Q So it relates to the phone at Government Exhibit 711; is that correct?
A Yes, ma'am.
MS. ARGENTIERI: I offer it.
MS. MACEDONIO: No objection.
THE COURT: Any objection?
MS. MACEDONIO: No, Judge.
THE COURT: Admitted.
(Government Exhibit 504 is admitted into evidence.)
Q I'm now going to show just the witness Government Exhibit 502.
Is this the CART report for another one of the telephones you examined in this case?
A Yes, ma'am, it is.

Q And is it the CART report for the phone labeled 502?
A It's Government Exhibit 713, the Samsung flip phone.
Q I'm sorry, this report is 502 and it relates to the phone at 713; is that correct? Is that correct?
A Yes, ma'am.
MS. ARGENTIERI: I offer it.
MS. MACEDONIO: No objection.
THE COURT: Admitted.
(Government Exhibit 502 is admitted into evidence.)
Q Showing just the witness Government Exhibit 503; do you see that?
A Yes, ma'am.
Q Is this another report that you generated based on your review for a different phone in this case?
A Yes, ma'am, it's for the red Samsung phone.
Q And is that the phone that's labeled Government Exhibit 712?
A Yes, ma'am.
Q So just for the record, Government Exhibit 503, the report relates to the phone that's vouchered as Government Exhibit 712; is that correct?
A Yes, ma'am.
MS. ARGENTIERI: I offer Government Exhibit 503.
(Pause.)

1 MS. ARGENTIERI: So I offer --
2 THE COURT: Any objection?
3 MS. MACEDONIO: No objection.
4 THE COURT: Admitted.
5 (Government Exhibit 503 is admitted into
6 evidence.)
7 Q So looking just -- first, where we started -- I'm
8 sorry, it's been a very long day.
9 MS. ARGENTIERI: Did I admit 502 and 503 and 504?
10 THE COURT: Yes.
11 Q So if we could briefly go back to 502 just for a
12 second, so you can explain what that means.
13 MS. ARGENTIERI: May I publish this to the jury,
14 Judge?
15 THE COURT: Yes.
16 Q So as you can see, this is the cover of the report at
17 502. So looking on the screen, what does this indicate
18 about what kind of phone this is?
19 A Okay. So just going down from the top, it tells you
20 what cable you are -- that you are using. And it tells the
21 start and end time of the extraction, what type of
22 extraction it was. What, you know, what the item was, it
23 was a phone. It was a Samsung GSM phone and the model was
24 SGH-T139. And then the unit identifier for the unit that
25 downloaded the phone, the Cellebrite UFED.

1 Q That's right here?
2 A Yes, ma'am. Well, it has a serial number, the 5911,
3 that's the serial number of the unit, and the software
4 version that was running at the time.
5 Q And this is the evidence number for the phone NY14695?
6 A Yes, ma'am.
7 Q So that's the sticker that's on the actual phone that
8 you examined?
9 A Yes, ma'am.
10 Q And you are holding up the phone?
11 A Yes.
12 Q And down here under MSISDN? What does it indicate the
13 number of the phone is?
14 A It indicates the number is (917) 293-1176.
15 Q And then if you turn the page at page three, this is
16 just like the call log that was downloaded?
17 A Yes. This particular phone will keep 60 calls; 20
18 made, 20 missed, and 20 incoming.
19 Q Is that different depending on the phone model?
20 A Yes, ma'am.
21 Q And here where it says "contacts", what is that?
22 A That is the person's phonebook that's in the phone.
23 Q And so, for example, here there is a contact Bam?
24 A Yes. It's a little bit small, can you make it a little
25 bit bigger?

1 Q (Ms. Argentieri complies.)
2 A Yes, ma'am.
3 Q And then there is a phone number?
4 A Yes.
5 Q So what does that indicate about -- is this the phone
6 number for Bam listed in this phone?
7 A Yes, it is.
8 Q And how is this displayed here? It appears to be
9 alphabetically; is that how it's displayed in the phone?
10 A Yes, it would.
11 Q So at the next page, there are contacts. Do you see
12 this for Jerry?
13 A Yes, I do.
14 Q Michael -- Mike Palmac?
15 A Yes.
16 Q Mike F. Pad?
17 A Yes.
18 Q Moffi?
19 A Yes.
20 Q Pad?
21 A Yes.
22 Q Ronnie?
23 A Yes.
24 Q And there are phone numbers for each of those, correct?
25 A Yes.

Q And at the back it says "SMS messages", right?
A Yes.
Q 111, but they don't appear here?
A They appear below.
Q Okay. And so where it says "in box" is that the SMS in box?
A Yes, ma'am.
Q And that's the next several pages?
A Yes, it is.
Q And then there is "sent text messages" that were sent. What's an SMS?
A SMS is simple messaging service, it's a text message.
Q Government Exhibit 503; is this the cover page for this?
A Yes, it is.
Q And similarly, it contains information including the date that you did the extraction?
A Correct.
Q What kind of phone is it?
A It's a Galaxy, Samsung Galaxy S3.
Q And what is the evidence number for the phone it relates to?
A New York 0014694.
Q And down here there is an IMEI, right?
A Correct.

1 Q And then where it says MSISDN, what's the phone number?
2 A It's (516) 547-2769.
3 Q And what does that mean, MSISDN?
4 A It's basically the phone -- the number that the phone
5 company associates with the phone for it to receive calls.
6 Q And this phone, just like the one we looked at, has
7 some -- a call log, right, incoming and missed?
8 A Correct.
9 Q And then it has contacts; is that correct?
10 A Yes, ma'am.
11 Q For example, this phone also has at the bottom of page
12 four a Bam, right?
13 A Yes, ma'am.
14 Q And they also appear to be alphabetical, right?
15 A Correct.
16 Q Page 9 there is say Lap D Frankie?
17 A Yes.
18 Q Page 11, a phone, Johnny?
19 A Yes.
20 Q 105, Nor V, Jare's sister?
21 A Yes.
22 Q And there are phone numbers associated with all of
23 that, correct?
24 A Yes, ma'am.
25 Q And then at the back of this report, there are some

1 images, right?
2 A Yes, there are.
3 Q So in other words, this phone allowed you to capture
4 images off the telephone?
5 A Correct.
6 Q But some don't?
7 A That's correct.
8 Q Government Exhibit 504. Now, what phone does this
9 report relate to, the evidence number?
10 A It's the iPhone, New York 0014693.
11 Q And that's Government Exhibit?
12 A 711.
13 Q 711. Thank you.
14 A Yes.
15 Q Now, does the iPhone download data a little
16 differently?
17 A Yes, it does.
18 Q So at page two where it says, manufacture Apple, what's
19 the phone number that's indicated there?
20 A It says Jerry's iPhone.
21 Q And then it says it's an iPhone S?
22 A 4S, yes, ma'am.
23 Q And then the phone number for this phone?
24 A (516) 351-8803.
25 Q And then on the next page under device information, can

1 you read what it says here under -- on the second line?
2 A It says Jerry@NassauReadyMix.com.
3 Q What does this page show?
4 A It shows the E-mail accounts that are associated with
5 the phone.
6 Q And then under the evidence summary, does this indicate
7 what you were able to get from the phone?
8 A Yes, ma'am.
9 Q So you were able to download 247 contacts?
10 A Yes, ma'am.
11 Q And so on?
12 A Yes, ma'am.
13 Q And so at page -- I think it's, like, eight pages in
14 the report starting with B My Fav Daughter, what do these
15 pages show?
16 A This is a -- this is the phonebook, this is just the
17 contacts in the phone.
18 Q So this is the phone's phonebook, and this is how it
19 displayed?
20 A Yes. This particular piece of software displays the
21 contacts from the iPhone.
22 Q So, for example, for this contact, Margie Centrone, it
23 shows a phone number under "mobile"?
24 A Yes, it does.
25 Q Is that the contact information that's reflected for

1 Margie Centrone in the phone?
2 A Yes, it is.
3 Q And then under "created" and "modified" what is that?
4 A That is the time that that phone number was -- or that
5 contact was created in the phone.
6 MS. ARGENTIERI: I have no further questions,
7 Judge.
8 MS. MACEDONIO: No questions.
9 THE COURT: Thank you very much. You're excused.
10 THE WITNESS: Thank you.
11 (Witness leaves the witness stand.)
12 MS. GERDES: Your Honor, we have one final witness
13 of the day, Vincent McNally.
14 With the Court's permission, I'll give him his
15 reports when he comes in?
16 THE COURT: That's fine.
17 MS. GERDES: Thank you.
18 (Witness enters the courtroom.)
19
20 **VINCENT McNALLY**, called by the Government, having been first
21 duly sworn, was examined and testified as follows:
22 Witness
23 COURTROOM DEPUTY: State and spell your name.
24 THE WITNESS: Vincent McNally, M-c-N-a-l-l-y.
25 COURTROOM DEPUTY: Thank you.

1 MS. GERDES: Thank you, your Honor.
2 DIRECT EXAMINATION
3 BY MS. GERDES:
4 Q Good evening Mr. McNally.
5 A Good evening. Over here. Wait a minute. Okay. Thank
6 you.
7 Q Okay. Can you please tell the jury when you were
8 employed by the FBI?
9 A I was employed from 1973 to 2002.
10 Q I'd like to talk to you about your time with the FBI in
11 September of 1981. Which squad were you assigned to?
12 A I was assigned to the Brooklyn Queens squad number six.
13 Q And what cases did you investigate?
14 A They were organized crime cases.
15 Q Now, I'd like to talk to you about two surveillance
16 dates; the first being September the 11th of 1981, and the
17 second one being September the 16th of 1981.
18 Is it fair to say you can't recall all the details
19 of your surveillances on those dates?
20 A That is correct.
21 Q And did you prepare reports of your observations?
22 A Yes.
23 Q Are they accurate?
24 A Yes, they are. They are in my handwriting.
25 MS. GERDES: Thank you. Your Honor, with the

1 Court's permission, may the witness read from the reports?
2 THE COURT: Yes.
3 Q Now, is there a difference between a surveillance and a
4 spot check?
5 A Yes, there is.
6 Q What is a spot check?
7 A Spot check is you are doing -- it is basically driving
8 by looking at what, in this particular case, what vehicles
9 were present in the location that you are keeping an eye on.
10 So it's not something where you are spending hours watching
11 it, you are going by and taking down and noting the license
12 plates in this particular place of vehicles in the area.
13 Q I'd like to direct your attention now to VM-1, your
14 surveillance on September 11, 1981. Where did you conduct
15 the spot check that day?
16 A Okay. This was done in the vicinity Afters Lounge,
17 1216 Liberty Avenue, Ozone Park and 86-01 Rockaway
18 Boulevard, and King Fence Company, 8615 Rockaway Boulevard,
19 New York. And that was on 9/11/81 between 3:21 and
20 3:40 p.m.
21 Q And did you observe a vehicle registered to Theresa
22 Asaro?
23 A Yes, I did.
24 Q What was the license plate of that vehicle?
25 A License plate was 9797AFE, New York plates.

1 Q Where was that vehicle registered?
2 A That's registered to Theresa Asaro, 75 Crystal Beach
3 Boulevard, I believe, Richards, New York. It was a '79 Ford
4 Suburban, brown.
5 Q Directing your attention now to VM-2, a report
6 reflecting a spot check on September 16th of 1981, where did
7 you do a spot check that date?
8 A That was done at the After Hours Lounge 86-01 Rockaway
9 Boulevard, Ozone Park and King Fence Company at 86-05
10 Rockaway Boulevard, Ozone Park; and that was done between
11 4:00 and 4:15 p.m.
12 Q And specifically, how is the name of the lounge
13 reflected in your report at 86-01 Rockaway Boulevard?
14 A As the Afters Lounge.
15 Q Did you observe a vehicle registered to Gaetano Fanara
16 at that location?
17 A Yes, I did.
18 Q And what was the Fanara address?
19 A 86-15 Rockaway Boulevard.
20 Q And license plate of the vehicle?
21 A That was New York plate 226GOZ.
22 Q And the vehicle registered to a Patricia Barbarito?
23 A Yes, I did, and that was -- the vehicle was license
24 number 58996GC.
25 MS. GERDES: I have no further questions.

1 MS. FERRONE: Briefly, your Honor.
2 CROSS-EXAMINATION
3 BY MS. FERRONE:
4 Q Hello, sir.
5 A Yes.
6 Q So you did spot checks, right?
7 A Yes, I did.
8 Q So you wrote down the license plates and ran checks to
9 see who they belonged to, right?
10 A That is correct.
11 Q So you don't know if Theresa Asaro was inside the After
12 Hours Lounge, do you?
13 A No, I do not.
14 Q Did you see any people? Did you write down who was
15 coming in and out?
16 A I did not do that; at least from my notes here.
17 Q Do you know who drove that car that you talked about to
18 the lounge?
19 A No, I did not.
20 Q How many people were in the car?
21 A No.
22 Q You have no idea, correct?
23 A No, ma'am.
24 MS. FERRONE: Thank you.
25 MS. GERDES: Nothing further, your Honor.

THE COURT: Thank you very much. You're excused.

THE WITNESS: Thank you.

THE COURT: Ladies and gentlemen, we're done for the day.

We'll see you back tomorrow morning. Have a lovely evening, and please don't discuss the case.

(Jury is out of the courtroom at 5:35 p.m.)

THE COURT: Okay?

MS. ARGENTIERI: Yes.

THE COURT: Wonderful. We just have those two witnesses?

MS. MACEDONIO: See you in a half hour.

MS. ARGENTIERI: No, tomorrow we have a number of witnesses.

THE COURT: Oh, you do?

MS. ARGENTIERI: Yes.

THE COURT: Okay.

(Proceedings adjourned at 5:36 p.m.)

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